

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -x

NELSON QUINTANILLA, ALEJANDRO AMAYA, ALEX  
AMIR AREVALO, MAYNOR FAJARDO, WALTER GARCIA,  
JOSE L. MARTINEZ, PRACELIS MENDEZ, OSMAR W.  
PAGOADA, JAVIER QUINTANILLA, EDWIN RIVERA,  
CARLOS ESCALANTE, KEVIN GALEANO, LERLY NOE  
RODRIGUEZ, JOSE VEGA CASTILLO, JUAN  
QUINTEROS, and MARCOS TULIO PEREZ,

Plaintiffs,

Case No.:  
CV-09-5331 (SJF) (WDW)

-against-

SUFFOLK PAVING CORP., SUFFOLK ASPHALT CORP.,  
LOUIS VECCHIA, CHRISTOPHER VECCHIA, HELENE  
VECCHIA and JOHN DOES 1-5,

Defendants.

- - - - -x

15 Verbena Avenue  
Floral Park, New York

June 3, 2011  
10:00 a.m.

EXAMINATION BEFORE TRIAL of LOUIS

VECCHIA, one of the defendants in the  
above-entitled action, held at the above time and  
place, pursuant to Notice, taken before JoAnn  
O'Loughlin, a Notary Public of the State of New  
York.

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## APPEARANCES:

LAW OFFICES OF LAUREN GOLDBERG, PLLC  
Attorney for Plaintiffs  
501 Fifth Avenue  
New York, New York 10017

BY: LAUREN GOLDBERG, ESQ.

IAN FRANCIS WALLACE, ESQ.  
Attorney for Plaintiffs  
501 Fifth Avenue  
New York, New York 10017

ZABELL & ASSOCIATES, P.C.  
Attorneys for Defendants  
SUFFOLK PAVING CORP., LOUIS VECCHIA and  
HELENE VECCHIA  
4875 Sunrise Highway  
Bohemia, New York 11716

BY: SAUL D. ZABELL, ESQ.

THE ZISKIN LAW FIRM  
Attorneys for Defendants  
SUFFOLK ASPHALT CORP. and  
CHRISTOPHER VECCHIA  
6268 Jericho Turnpike  
Commack, New York 11725  
(NOT PRESENT)

\* \* \*

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LOUIS VECCHIA, the witness herein,  
having first been duly sworn by the Notary Public,  
was examined and testified as follows:

## EXAMINATION BY MS. GOLDBERG:

Q. What is your name?

A. Louis Vecchia.

Q. Where do you reside?

A. Three Quail Run, Port Jefferson, New York  
11777.

Q. Good morning, Mr. Vecchia.

A. Good morning, how are you?

Q. My name is Lauren Goldberg. I'm one of the  
attorneys representing the plaintiffs in this matter.  
My co-counsel, Ian Wallace, is not here yet, but he  
will be arriving shortly. I see that you have your  
counsel sitting next to you, Mr. Zabell.

A. Correct.

Q. The purpose of today is to take your  
deposition.

Have you ever had your deposition taken  
before?

A. Yes.

Q. How many times have you had your deposition  
taken before?

LOUIS VECCHIA

A. For a few slips and falls occasionally;  
two, three, four.

Q. I'm going to review how this deposition is  
going to be conducted today.

I'm going to ask you a series of questions  
and I would expect that you would answer them  
truthfully. If I ask you a question that is unclear, I  
would ask that you tell me that it is unclear to you  
and I will do my best to rephrase the question so that  
you understand it.

Have you taken any medication in the last  
24 hours?

A. No.

Q. Have you consumed any alcohol in the last  
24 hours?

A. No.

Q. Is there anything that you can think of  
that would impair your judgment to answer truthfully  
today?

MR. ZABELL: Objection to the form of the  
question.

You may answer.

A. Say the question again, please.

Q. Is there anything that would impair your

LOUIS VECCHIA

ability to answer the questions truthfully today?

MR. ZABELL: Are you withdrawing your  
previous question?

MS. GOLDBERG: No, the question stands. If  
he doesn't answer, the --

MR. ZABELL: There were two different  
questions that you asked.

MS. GOLDBERG: Can you read back the  
question?

(The pending question was read.)

MR. ZABELL: I have no objection to having  
him answer the previous question that you asked  
before that, which was a different variation of  
that question.

MS. GOLDBERG: Can you read back the  
question before that?

(The record was read.)

MR. ZABELL: These are two different  
questions. So pick a question to ask him, I'm not  
stopping him from answering, but you just have to  
pick a question.

MS. GOLDBERG: I recognize that your  
direction, counsel, your directions are  
inappropriate. You can state your objection and

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1 LOUIS VECCHIA

2 the witness can either answer the question or  
3 state that he didn't understand the question.

4 MR. ZABELL: Pick a question you'd like to  
5 ask him, ask him the question.

6 MS. GOLDBERG: JoAnn, can you please read  
7 back the last question and that's the question  
8 that I'm asking him right now?

9 MR. ZABELL: Please.

10 (The pending question was read.)

11 A Impair me or . . .

12 Q Impair you.

13 A As long as I'm given the proper  
14 information.

15 MR. ZABELL: I'm just going to advise you,  
16 Lou, Ms. Goldberg is not under oath. That means  
17 we don't ask her any questions. Just listen to  
18 me. If you can't answer a question, you simply  
19 state that you can't answer a question.

20 THE WITNESS: Okay.

21 MR. ZABELL: You don't get to ask her to  
22 clarify her questions, that's her responsibility  
23 and it's not our job to assist her with her  
24 responsibility.

25 I'm also going to advise you that because

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1 LOUIS VECCHIA

2 Ms. Goldberg is not under oath, you are under no  
3 obligation to believe any of her statements to be  
4 accurate. You answer the questions to the best of  
5 your own ability and do not assume simply because  
6 she asks the question that it is an accurate  
7 portrayal of either your prior testimony or facts  
8 in this matter, okay?

9 THE WITNESS: Okay.

10 MS. GOLDBERG: Mr. Zabell, your direction  
11 and counsel to the witness is inappropriate.  
12 You're allowed to state your objection to my  
13 questions, but counseling and guiding the witness  
14 is inappropriate.

15 MR. ZABELL: You're absolutely incorrect.

16 Why don't you proceed?

17 Q It is important for you to allow me to  
18 state the entire question before you answer, this way  
19 you know what the entire question will be before you  
20 answer it and you will have all the information that  
21 you need before answering it.

22 It's also important because the court  
23 reporter can only take down one of us at a time, so  
24 it's important that you wait for me to stop speaking  
25 before you begin speaking.

1 LOUIS VECCHIA

2 MR. ZABELL: Those are statements of fact  
3 that do not require a response on your part.

4 Q You will have an opportunity at some point  
5 after the deposition to review your transcript to make  
6 sure that everything that is said here today is  
7 accurately reflected in the transcript.

8 Do you understand everything that I've said  
9 today?

10 A Yes.

11 Q You are permitted to take breaks, I would  
12 only ask that if there's a question pending, that you  
13 answer the question before we take the break.

14 It is also important for you to know that  
15 the court reporter can only take down verbal responses,  
16 she can't take down nods or gestures, so it's important  
17 that you respond orally.

18 I also want to remind you that the reporter  
19 has taken your oath.

20 Do you understand what an oath is?

21 A Yes.

22 Q You have sworn to tell the truth here.  
23 There's no difference than if you were in a courtroom  
24 and you swore to tell the truth in front of a court  
25 officer.

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1 LOUIS VECCHIA

2 So do you understand that there are  
3 consequences for lying under oath?

4 A Yes.

5 Q Did you do anything to prepare for this  
6 deposition?

7 MR. ZABELL: Objection to the form of the  
8 question.

9 You may answer.

10 A No.

11 Q Did you review any documents?

12 A No.

13 Q Is Helene Vecchia your wife?

14 A Yes.

15 Q Is Christopher Vecchia your son?

16 MR. ZABELL: Objection to the form.

17 Wait a minute. Are you withdrawing the  
18 Christia Vecchia and replacing it with Christopher  
19 Vecchia because you did say Christia?

20 MS. GOLDBERG: If I said Christia, I meant  
21 Christopher, so withdraw that.

22 Q I said is Christopher Vecchia your son.

23 A Yes, he is.

24 Q Do you know Nelson Quintanilla?

25 A Yes.

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1 LOUIS VECCHIA  
 2 Q Does he still work for you?  
 3 A Yes -- no, he actually works --  
 4 MR. ZABELL: Just answer the question.  
 5 A No.  
 6 Q Do you know who he works for?  
 7 A Yes.  
 8 Q Who does he work for?  
 9 A Christopher Vecchia.  
 10 Q Has Nelson Quintanilla ever worked for you?  
 11 A I believe so.  
 12 Q When did he work for you?  
 13 A Not sure.  
 14 Q Was it prior to 2009?  
 15 A It's possibly.  
 16 Q Do you own Suffolk Paving?  
 17 A Yes.  
 18 MR. ZABELL: Objection to the form.  
 19 Your answer remains.  
 20 A Yes.  
 21 Q Do you run Suffolk Paving?  
 22 MR. ZABELL: Objection to the form.  
 23 You may answer.  
 24 A Yes.  
 25 Q Are there any other owners of Suffolk

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1 LOUIS VECCHIA  
 2 Paving?  
 3 A No.  
 4 Q Is there anyone else that runs Suffolk  
 5 Paving?  
 6 MR. ZABELL: Objection to the form.  
 7 You may answer.  
 8 A You mean in what way --  
 9 MR. ZABELL: Remember, you don't get to ask  
 10 her questions. You answer the question to the  
 11 best of your ability and that's all you can do.  
 12 A No.  
 13 Q What does Suffolk Paving do?  
 14 MR. ZABELL: Objection to the form.  
 15 You may answer.  
 16 A Various construction jobs.  
 17 Q How many individuals do you employ?  
 18 MR. ZABELL: Objection to the form.  
 19 You may answer.  
 20 A Now?  
 21 MR. ZABELL: You don't get to ask her  
 22 questions. I understand it's a little difficult,  
 23 but --  
 24 THE WITNESS: Right. She asks me a  
 25 question as of today.

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1 LOUIS VECCHIA  
 2 MS. GOLDBERG: Withdrawn. I'm going to  
 3 restate the question.  
 4 THE WITNESS: I'm sorry, go ahead.  
 5 Q The time period --  
 6 MR. ZABELL: Just so you understand, you  
 7 help her when she asks those open-ended questions  
 8 or imperfect questions, so just answer the  
 9 question as best you can and if you can't answer  
 10 the question, just advise her. It's incumbent  
 11 upon her to follow up and clarify the question.  
 12 A Not sure.  
 13 Q Unless I state otherwise, the period of  
 14 time that we're going to talk about is 2005 through  
 15 2009. That's the period of time that we're going to  
 16 talk about right now.  
 17 MR. ZABELL: That's a statement to which no  
 18 response is required.  
 19 Q How many individuals did Suffolk Paving  
 20 employ between the time 2005 to 2009?  
 21 A Not sure.  
 22 Q How many individuals did you employ in  
 23 2005?  
 24 A Don't recall.  
 25 Q 2006?

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1 LOUIS VECCHIA  
 2 A To be accurate, I don't recall.  
 3 Q 2007?  
 4 A Same.  
 5 Q 2008?  
 6 A Same.  
 7 Q 2009?  
 8 A Same.  
 9 Q When Nelson Quintanilla did work for you,  
 10 do you recall what his position was?  
 11 MR. ZABELL: Objection to the form.  
 12 You may answer.  
 13 A Not sure.  
 14 Q Do you recall what his pay rate was?  
 15 A No.  
 16 Q Do you recall whether he was in a union?  
 17 A No. You're referring -- no.  
 18 Q Do you know Alejandro Amaya?  
 19 A Yes.  
 20 Q Did Alejandro Amaya ever work for you?  
 21 A I believe so.  
 22 Q When did Alejandro Amaya work for you?  
 23 A Not sure.  
 24 Q Do you remember whether it was prior to  
 25 2009?



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1 LOUIS VECCHIA  
 2 A I believe it was.  
 3 Q Do you recall how many years he worked for  
 4 you?  
 5 A No.  
 6 Q Do you recall what his position was when he  
 7 worked for you?  
 8 A No.  
 9 Q Do you recall whether he was part of a  
 10 union?  
 11 A I don't recall.  
 12 Q Do you know where Alejandro Amaya works  
 13 today?  
 14 MR. ZABELL: Objection to the form.  
 15 A No.  
 16 MR. ZABELL: You may answer.  
 17 A No.  
 18 Q Do you know whether Nelson Quintanilla ever  
 19 worked for Suffolk Asphalt?  
 20 MR. ZABELL: Objection to the form.  
 21 I believe that's a statement, but you can  
 22 answer it.  
 23 THE WITNESS: Can you repeat the question,  
 24 please?  
 25 MS. GOLDBERG: JoAnn, would you mind,

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1 LOUIS VECCHIA  
 2 please, repeating the question?  
 3 (The pending question was read.)  
 4 A I believe he did.  
 5 Q Do you recall when he worked for Suffolk  
 6 Asphalt?  
 7 A No.  
 8 Q Do you know Alex Amir Arevalo?  
 9 A Who?  
 10 Q Alex Amir Arevalo.  
 11 A Not sure.  
 12 MR. ZABELL: Ms. Goldberg, are you familiar  
 13 with the correct pronunciations of some of these  
 14 names? I know they're difficult names to  
 15 pronounce and when you're asking him based upon  
 16 the pronunciation of the name, you might be a  
 17 little off, so I'm asking you if there's another  
 18 pronunciation that you're aware of for any of  
 19 those names, that you should state it only to get  
 20 a more accurate answer. If there is a more  
 21 accurate answer.  
 22 MS. GOLDBERG: Well, I could very well be  
 23 mispronouncing it. Why don't I spell it out?  
 24 MR. ZABELL: Is that going to help you in  
 25 any way?

1 LOUIS VECCHIA  
 2 THE WITNESS: We can try. I'm willing to  
 3 try.  
 4 MS. GOLDBERG: Okay, we'll try.  
 5 Q The first name is Alex, which is spelled  
 6 A-L-E-X; the middle name is Amir, A-M-I-R and the last  
 7 name is Arevalo, which is spelled A-R-E-V-A-L-O.  
 8 A And what's the question you're asking me  
 9 about this person?  
 10 Q Do you know this individual whose name I  
 11 just spelled?  
 12 MR. ZABELL: Objection to the form.  
 13 You can answer.  
 14 A I'm really not sure to be honest with you.  
 15 MR. ZABELL: You can answer.  
 16 Q Going back to Alejandro Amaya for a minute,  
 17 do you know whether Alejandro Amaya ever worked for  
 18 Suffolk Asphalt?  
 19 MR. ZABELL: Objection to the form.  
 20 You may answer.  
 21 A I don't recall.  
 22 Q Do you know Maynor Fajardo?  
 23 A Maynor Fajardo.  
 24 (Pause.)  
 25 A Yes.

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1 LOUIS VECCHIA  
 2 Q Did he ever work for Suffolk Paving?  
 3 A I believe so.  
 4 Q Do you recall the time period that he  
 5 worked?  
 6 A No.  
 7 Q Do you recall whether he was in a union?  
 8 A I don't know.  
 9 Q Do you know whether Maynor Fajardo ever  
 10 worked for Suffolk Asphalt?  
 11 A Don't recall. I'm not sure. I believe so,  
 12 though.  
 13 Q Do you recall when he worked for Suffolk  
 14 Asphalt?  
 15 A No.  
 16 Q Do you know Walter Garcia?  
 17 A Yes.  
 18 Q Did he work for Suffolk Paving?  
 19 A I believe he did.  
 20 Q Do you recall whether he worked for Suffolk  
 21 Paving?  
 22 A No.  
 23 Q Do you know whether Walter Garcia ever  
 24 worked for Suffolk Asphalt?  
 25 A I believe he did.

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1 LOUIS VECCHIA  
 2 Q Do you recall when he worked for Suffolk  
 3 Asphalt?  
 4 A No.  
 5 Q Do you recall whether Walter Garcia was in  
 6 a union?  
 7 A I'm not sure.  
 8 Q Do you know Jose Martinez?  
 9 A Don't recall Jose Martinez.  
 10 Q Do you know Pracelis Mendez?  
 11 A Yes.  
 12 Q Did he ever work for Suffolk Paving?  
 13 A Yes.  
 14 Q Do you recall when he worked for Suffolk  
 15 Paving?  
 16 A No.  
 17 Q Do you recall whether he was in a union  
 18 when he worked for Suffolk Paving?  
 19 A No.  
 20 Q Was Pracelis Mendez in a union when he  
 21 worked for Suffolk Paving?  
 22 A No.  
 23 Q Do you know whether Pracelis Mendez ever  
 24 worked for Suffolk Asphalt?  
 25 A I believe he did.

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1 LOUIS VECCHIA  
 2 Q Do you know --  
 3 MR. ZABELL: Hold on.  
 4 Before you answer the question, I just want  
 5 to make sure that when she's saying "strike that,"  
 6 that's all appearing on the transcript.  
 7 (Discussion off the record.)  
 8 MR. ZABELL: I want to leave the false  
 9 starts.  
 10 When you say "strike that," it should be on  
 11 the record, everything that gets said in the room  
 12 until the point comes where we say off the record  
 13 should be on the record. That's my position.  
 14 That's what makes it an accurate transcript.  
 15 So if it wasn't on the transcript  
 16 yesterday, you recognize that you said "strike  
 17 that" throughout the day yesterday?  
 18 MS. GOLDBERG: I take objection to that. I  
 19 did not say "strike that" throughout the day  
 20 yesterday. That's an inaccurate characterization.  
 21 MR. ZABELL: You didn't say "strike that"  
 22 at all yesterday?  
 23 MS. GOLDBERG: Well, you're also now  
 24 misstating me again. I didn't now just say that I  
 25 didn't say it at all, but I didn't say it

1 LOUIS VECCHIA  
 2 throughout the day.  
 3 MR. ZABELL: You said it with some level of  
 4 regularity, I'm not commenting on how many times,  
 5 all I'm saying is when you say it from this point  
 6 forward, it should be reflected on the record,  
 7 just as everything else that gets said in this  
 8 room should be on the record unless and until both  
 9 parties agree that it should be off the record.  
 10 MS. GOLDBERG: Well, I still take objection  
 11 to your characterization of yesterday. I think  
 12 that "strike that" obviously is indicating you're  
 13 removing it from the record, but we can leave it  
 14 in for right now and to resolve it later. We'll  
 15 continue with the deposition.  
 16 (Pause.)  
 17 MS. GOLDBERG: Can you read back my last  
 18 question about Pracelis Mendez?  
 19 (The pending question was read.)  
 20 Q Do you recall when Pracelis Mendez worked  
 21 for Suffolk Asphalt?  
 22 A No.  
 23 Q Do you know Osmar Pagoada, last name is  
 24 spelled P-A-G-O-A-D-A?  
 25 A No.

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1 LOUIS VECCHIA  
 2 Q Do you know Javier Quintanilla, last name  
 3 spelled Q-U-I-N-T-A-N-I-L-L-A?  
 4 A I'm not sure.  
 5 Q Do you know Edwin Rivera?  
 6 A Yes.  
 7 Q Did Edwin Rivera ever work for Suffolk  
 8 Paving?  
 9 A I believe he did.  
 10 Q When did he work for Suffolk Paving?  
 11 A Not sure.  
 12 Q Was it before 2009?  
 13 A Yes.  
 14 Q Do you recall how long he worked at Suffolk  
 15 Paving?  
 16 A No.  
 17 Q Do you recall whether he was in a union  
 18 when he worked at Suffolk Paving?  
 19 A No.  
 20 Q Do you know whether Edwin Rivera ever  
 21 worked for Suffolk Asphalt?  
 22 A Yes, he did.  
 23 Q Do you know when he worked for Suffolk  
 24 Asphalt?  
 25 A No.

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1 LOUIS VECCHIA  
 2 (Ian Wallace joined the deposition.)  
 3 MR. ZABELL: Let the record reflect that  
 4 Ian Wallace has arrived to the deposition.  
 5 Q Do you know Carlos Escalante?  
 6 A Yes.  
 7 Q Did Carlos Escalante ever work for Suffolk  
 8 Paving?  
 9 A Yes.  
 10 Q Do you recall when Carlos Escalante worked  
 11 for Suffolk Paving?  
 12 A Not exactly.  
 13 Q Do you recall how long he worked at Suffolk  
 14 Paving?  
 15 A I'm not sure.  
 16 Q Do you know whether -- withdrawn.  
 17 Was Carlos Escalante in a union when he  
 18 worked for Suffolk Paving?  
 19 A No.  
 20 Q Do you know whether Carlos Escalante ever  
 21 worked for Suffolk Asphalt?  
 22 A Yes, he did.  
 23 Q Do you know when Carlos Escalante worked at  
 24 Suffolk Asphalt?  
 25 A No.

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1 LOUIS VECCHIA  
 2 Q Do you know how long he worked at Suffolk  
 3 Asphalt?  
 4 A No.  
 5 Q Do you know whether he was in a union when  
 6 he worked for Suffolk Asphalt?  
 7 A I believe he was, yes.  
 8 Q Was Carlos Escalante in a union when he  
 9 worked for Suffolk Paving?  
 10 A No.  
 11 Q Was Edwin Rivera in a union when he worked  
 12 for Suffolk Asphalt?  
 13 A I believe so.  
 14 MR. ZABELL: Lou, just so you know, if  
 15 there's a phone call you have to take, as long as  
 16 there's no question pending, you can take it.  
 17 Q Do you recall whether Pracelis Mendez was  
 18 in a union when he worked for Suffolk Asphalt?  
 19 A I believe he was.  
 20 Q Do you know Kevin Galeano, last name is  
 21 spelled G-A-L-E-A-N-O?  
 22 A Sounds familiar.  
 23 Q Do you know -- withdrawn.  
 24 Did he ever work for Suffolk Paving?  
 25 A He might have.

1 LOUIS VECCHIA  
 2 Q Do you know when that -- withdrawn.  
 3 Did he work for Suffolk Paving prior to  
 4 2009?  
 5 A He could have, yes.  
 6 Q Do you know whether Kevin Galeano ever  
 7 worked for Suffolk Asphalt?  
 8 A I don't know.  
 9 Q Do you know Lerly Noe Rodriguez?  
 10 A Yes.  
 11 Q Did he ever work for Suffolk Paving?  
 12 A Yes.  
 13 Q When did he work for Suffolk Paving?  
 14 A I'm not sure.  
 15 Q Was it prior to 2009?  
 16 A Yes.  
 17 Q Do you know how long he worked for Suffolk  
 18 Paving?  
 19 A No.  
 20 Q Was Lerly Noe Rodriguez in a union when he  
 21 worked for Suffolk Paving?  
 22 A No.  
 23 Q Did Lerly Noe Rodriguez ever work for  
 24 Suffolk Asphalt?  
 25 A I believe he did.

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1 LOUIS VECCHIA  
 2 Q When did he work at Suffolk Asphalt?  
 3 A I'm not sure.  
 4 Q How long did Lerly Noe Rodriguez work at  
 5 Suffolk Asphalt?  
 6 A I believe he might currently be working for  
 7 Suffolk Asphalt. I'm not a hundred percent sure,  
 8 though.  
 9 Q Do you know whether he is -- withdrawn.  
 10 Do you know how long he's been at Suffolk  
 11 Asphalt?  
 12 A No.  
 13 Q When Lerly Noe Rodriguez worked at Suffolk  
 14 Paving, was he in a union?  
 15 A No.  
 16 Q Is Lerly Noe Rodriguez in a union --  
 17 withdrawn.  
 18 Do you know whether Lerly Noe Rodriguez was  
 19 in a union when he worked for Suffolk Asphalt?  
 20 A Yes, I believe so.  
 21 Q Do you know which union?  
 22 A I believe it's Local 138.  
 23 Q Do you know what his classification is  
 24 within the union?  
 25 A I think all he could do is -- he's a roller

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1 LOUIS VECCHIA  
 2 operator.  
 3 Q Do you know what his rate of pay is?  
 4 A No.  
 5 Q Do you know Jose Vega Castillo?  
 6 A Say the last name again.  
 7 Q Castillo, it's spelled C-A-S-T-I-L-L-O.  
 8 A Sounds familiar.  
 9 Q Do you know whether -- withdrawn.  
 10 Did he ever work at Suffolk Paving?  
 11 A I believe so.  
 12 Q Do you know when he worked at Suffolk  
 13 Paving?  
 14 A No.  
 15 Q Do you know how long he worked at Suffolk  
 16 Paving?  
 17 A No.  
 18 Q Was he in a union when he worked at Suffolk  
 19 Paving?  
 20 A No.  
 21 Q Did Jose Vega Castillo ever work for  
 22 Suffolk Asphalt?  
 23 A I'm not sure.  
 24 Q Do you know Juan Quinteros?  
 25 A Yes.

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1 LOUIS VECCHIA  
 2 Q Did Juan Quinteros ever work for Suffolk  
 3 Paving?  
 4 A I don't know.  
 5 Q Did Juan Quinteros ever work for Suffolk  
 6 Asphalt?  
 7 A Yes, he did and I believe he still might.  
 8 Q Do you know how long he's worked at Suffolk  
 9 Asphalt?  
 10 A No.  
 11 Q Is Juan Quinteros -- withdrawn.  
 12 Is Juan Quinteros in a union?  
 13 A Yes.  
 14 Q Do you know what union?  
 15 A I believe he's a laborer.  
 16 Q Do you know what the union number is?  
 17 A 1298.  
 18 Q Do you know what his classification is  
 19 within that union?  
 20 A Laborer.  
 21 Q Do you know what his rate of pay is?  
 22 A No.  
 23 Q Do you know what his overtime rate of pay  
 24 is?  
 25 A No.

1 LOUIS VECCHIA  
 2 Q Do you know Marcos Tulio Perez?  
 3 A Sounds familiar.  
 4 Q Did he ever work for Suffolk Paving?  
 5 A He might have.  
 6 Q Do you know whether he worked at Suffolk  
 7 Paving prior to 2009?  
 8 A I would imagine he did.  
 9 Q Do you know for how long he worked at  
 10 Suffolk Paving?  
 11 A No.  
 12 Q Do you know whether Marcos Tulio Perez ever  
 13 worked at Suffolk Asphalt?  
 14 A I don't know.  
 15 Q Did you start Suffolk Paving?  
 16 MR. ZABELL: Objection to the form.  
 17 You may answer.  
 18 A Yes.  
 19 Q When did you start Suffolk Paving?  
 20 A In the '90s.  
 21 Q Was it early '90s?  
 22 MR. ZABELL: Objection to the form.  
 23 You may answer.  
 24 A I'd say mid.  
 25 Q Where is Suffolk Paving located?

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1 LOUIS VECCHIA  
 2 A Now?  
 3 Q Yes.  
 4 MR. ZABELL: Remember, she's not under  
 5 oath.  
 6 THE WITNESS: I know, no.  
 7 MR. ZABELL: You don't get to ask her  
 8 questions.  
 9 A Thirty North Dunton Avenue, Medford, New  
 10 York 11763.  
 11 Q Has it always been at that location?  
 12 A Yes.  
 13 Q Has Suffolk Paving ever had a different  
 14 name?  
 15 MR. ZABELL: Objection to the form.  
 16 You may answer.  
 17 A I don't know.  
 18 Q Does Christopher Vecchia work for Suffolk  
 19 Paving?  
 20 A No.  
 21 Q Does Helene Vecchia work for Suffolk  
 22 Paving?  
 23 A No.  
 24 Q Does Christopher Vecchia have any  
 25 connection to Suffolk Paving?

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Page 32

1 LOUIS VECCHIA  
 2 MR. ZABELL: Objection to the form.  
 3 You may answer.  
 4 A Any connection?  
 5 Q Any connection.  
 6 A His dad owns it.  
 7 Q Does Helene Vecchia have any connection to  
 8 Suffolk Paving?  
 9 MR. ZABELL: Same objection.  
 10 A Her husband owns it.  
 11 Q Does Helene Vecchia do anything for Suffolk  
 12 Paving?  
 13 MR. ZABELL: Objection to the form of the  
 14 question.  
 15 You may answer.  
 16 A She occasionally cooks for her husband.  
 17 Q Does Christopher Vecchia ever do anything  
 18 for Suffolk Paving?  
 19 MR. ZABELL: Objection to the form.  
 20 You may answer.  
 21 A No.  
 22 Q Aside from Suffolk Paving, do you own any  
 23 other companies?  
 24 A Do I own any other companies?  
 25 (Pause.)

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1 LOUIS VECCHIA  
 2 A Can you be more specific?  
 3 Q Are there any other companies that you own?  
 4 A Well, I'm sure there are.  
 5 Q Can you tell me their names?  
 6 A All of them?  
 7 Q All of them.  
 8 A Oh, geez.  
 9 (Pause.)  
 10 A Cross Island Industries; Louis Vecchia  
 11 Properties; Tyant Properties, LLC.  
 12 (Pause.)  
 13 A That's all I recall right now.  
 14 Q Did you start Cross Island Industries?  
 15 MR. ZABELL: Objection to the form.  
 16 You may answer.  
 17 A I believe I did.  
 18 Q When did you start Cross Island Industries?  
 19 A Not sure.  
 20 Q Are you the sole owner of Cross Island  
 21 Industries?  
 22 A Yes.  
 23 Q What does Cross Island Industries do?  
 24 A Rents equipment.  
 25 Q What type of equipment does it rent?

1 LOUIS VECCHIA  
 2 A All types.  
 3 Q Have any of the plaintiffs ever worked for  
 4 Cross Island Industries?  
 5 A No.  
 6 Q Do you run Cross Island Industries?  
 7 MR. ZABELL: Objection to the form.  
 8 You may answer.  
 9 A Occasionally.  
 10 Q Are there other people who help you run  
 11 Cross Island Industries?  
 12 MR. ZABELL: Objection to the form.  
 13 You may answer.  
 14 A Not really.  
 15 Q How many individuals does Cross Island  
 16 Industries employ?  
 17 A No idea.  
 18 Q When did you start Louis Vecchia  
 19 Properties?  
 20 A Not sure.  
 21 Q Does Louis Vecchia Properties employ any  
 22 individuals?  
 23 A No.  
 24 Q What's the purpose of that company?  
 25 A Properties.

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1 LOUIS VECCHIA  
 2 Q What does it do with properties?  
 3 A Buys them.  
 4 Q Are you the sole owner of that company?  
 5 A Yes.  
 6 Q Did you start Tyant Properties?  
 7 MR. ZABELL: Objection to the form.  
 8 A What company?  
 9 Q Tyant.  
 10 MR. ZABELL: Same objection.  
 11 A Did I start it, yes.  
 12 Q Are you the sole owner of that company?  
 13 A No.  
 14 Q Who else owns that company?  
 15 A Robert Riley.  
 16 Q Is there anybody else?  
 17 A No.  
 18 Q What's the purpose of Tyant Properties?  
 19 A Buy properties.  
 20 Q Where is Cross Island Industries located  
 21 today?  
 22 A Today?  
 23 Q Yes.  
 24 A Thirty North Dunton Avenue.  
 25 Q In what town?



1 LOUIS VECCHIA  
2 A Medford.  
3 Q Has it always been at that location?  
4 A I don't think so.  
5 Q Where was it prior to being located at that  
6 location?  
7 A It might have been at 18 Bear Street in  
8 Selden.  
9 Q Was that your personal address?  
10 A Yes.  
11 Q When was it at the Bear Street location?  
12 A Not sure.  
13 Q Do you know how long it was at that  
14 location?  
15 A No.  
16 Q Where is Tyant Properties located?  
17 A Thirty North Dunton Avenue.  
18 Q How long has that been at that location?  
19 A Three weeks.  
20 Q When did you start Tyant Properties?  
21 A A month ago.  
22 Q Does Helene Vecchia do any work for Cross  
23 Island Industries?  
24 A Occasionally.  
25 Q What type of work does she do occasionally?

1 LOUIS VECCHIA  
2 A She might do some payroll, pay some bills.  
3 Q Does Christopher Vecchia do any work for  
4 Cross Island Industries?  
5 A No.  
6 Q Did you own a company called L&B Site  
7 Development?  
8 A I believe -- yes.  
9 Q Is it still in existence?  
10 A No.  
11 Q Did you start that company?  
12 A I think so.  
13 Q When did you start it?  
14 A Not sure.  
15 Q How long was it in existence?  
16 A I don't even know. A short time.  
17 Q What was the purpose of that company?  
18 A Site work.  
19 Q What type of site work did you do?  
20 A Residential site work.  
21 Q Do you know Dominic Testa?  
22 A Yes.  
23 Q How do you know him?  
24 A He worked for me at one time.  
25 Q For what company did he work for you?

1 LOUIS VECCHIA  
2 A I'm not sure.  
3 Q Do you recall how long he worked for you?  
4 A No.  
5 Q Do you remember when he worked for you?  
6 A No.  
7 Q Did he supervise any of the plaintiffs?  
8 A Not sure.  
9 Q Do you know what his role was when he  
10 worked for you?  
11 A Various things.  
12 Q Can you give me examples of the various  
13 things he did for you?  
14 A Might have looked at work.  
15 What else did he do?  
16 (Pause.)  
17 A Maybe some dispatching.  
18 Q Would that have been for Suffolk Paving?  
19 A I'm not sure.  
20 Q Do you know who owns Suffolk Asphalt  
21 Corporation?  
22 A Christopher Vecchia.  
23 Q Is he the sole owner?  
24 A Yes.  
25 Q Does he run Suffolk Asphalt Corporation?

1 LOUIS VECCHIA  
2 A Yes.  
3 Q Do you have any involvement with Suffolk  
4 Asphalt Corporation?  
5 A I'll give him occasional advice.  
6 Q What occasional advice would you give him?  
7 A Whatever he asks for. He's my son.  
8 Q Where is Suffolk Asphalt located?  
9 A 30A North Dunton Avenue in Medford.  
10 Q Do you know whether Helene Vecchia --  
11 withdrawn.  
12 Does Helene Vecchia do any work for Suffolk  
13 Asphalt Corporation?  
14 MR. ZABELL: Objection to the form.  
15 You may answer.  
16 A She helps Christopher out, also.  
17 MS. GOLDBERG: If we can just take a  
18 five-minute break, is that all right?  
19 MR. ZABELL: All right.  
20 (Short recess taken.)  
21 Q Again, the period that we're going to be  
22 talking about is 2005 to 2009 until I state otherwise.  
23 Did Helene Vecchia have any personnel  
24 responsibilities at Suffolk Paving?  
25 A Yes.

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1 LOUIS VECCHIA  
 2 Q What were her personnel responsibilities?  
 3 A She was all-around. She's like me, she  
 4 does everything.  
 5 Q Can you tell me what she does?  
 6 A Everything pertaining to a business.  
 7 Mostly payroll.  
 8 Q What is her responsibility with payroll?  
 9 A What's her responsibility for payroll?  
 10 Printing checks.  
 11 Q Does she do anything else for payroll?  
 12 A Whatever's required for payroll.  
 13 Q Did Helene Vecchia input plaintiffs' hours  
 14 into the computer?  
 15 MR. ZABELL: Objection to the form of the  
 16 question.  
 17 You may answer.  
 18 A Yes.  
 19 Q Was she responsible for all of payroll?  
 20 MR. ZABELL: Objection to the form of the  
 21 question.  
 22 A All of what payroll?  
 23 MR. ZABELL: You may answer and you may not  
 24 ask her questions.  
 25 THE WITNESS: Okay.

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1 LOUIS VECCHIA  
 2 (Pause.)  
 3 A Not sure.  
 4 Q Was there anyone else at Suffolk Paving who  
 5 worked on payroll aside from Helene Vecchia?  
 6 MR. ZABELL: Objection to the form of the  
 7 question.  
 8 You may answer.  
 9 A I don't know.  
 10 Q Can you tell me what specifically Helene  
 11 Vecchia did for payroll?  
 12 MR. ZABELL: Objection to the form of the  
 13 question.  
 14 You may answer.  
 15 THE WITNESS: I don't understand the  
 16 question.  
 17 MR. ZABELL: Then that's all you need to  
 18 tell her.  
 19 Q Was Helene Vecchia responsible for keeping  
 20 the time records for the plaintiffs?  
 21 MR. ZABELL: Objection to the form of the  
 22 question.  
 23 You may answer.  
 24 A I don't think so, no.  
 25 Q Was Helene Vecchia -- withdrawn.

1 LOUIS VECCHIA  
 2 Did Helene Vecchia pay the bills for  
 3 Suffolk Paving?  
 4 MR. ZABELL: Objection to the form of the  
 5 question.  
 6 You may answer.  
 7 A Possibly.  
 8 Q Was she responsible for accounts payable at  
 9 Suffolk Paving?  
 10 MR. ZABELL: Objection to the form of the  
 11 question.  
 12 You may answer.  
 13 A Possibly occasionally.  
 14 Q Was she responsible for accounts  
 15 receivables?  
 16 MR. ZABELL: Same objection.  
 17 You may answer.  
 18 A Possibly occasionally.  
 19 Q Did she have the power to hire individuals  
 20 for Suffolk Paving?  
 21 MR. ZABELL: Objection to the form of the  
 22 question.  
 23 You may answer.  
 24 A Various times.  
 25 Q When were those times?

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1 LOUIS VECCHIA  
 2 A Not sure.  
 3 Q Did she have the power to fire employees at  
 4 Suffolk Paving?  
 5 MR. ZABELL: Objection to the form of the  
 6 question.  
 7 You may answer.  
 8 A Maybe if she asked me nicely.  
 9 No, I don't know.  
 10 Q Aside from Helene Vecchia, do you know --  
 11 withdrawn.  
 12 Aside from Helene Vecchia, was there anyone  
 13 else at Suffolk Paving who dealt with accounts payable?  
 14 MR. ZABELL: Objection to the form of the  
 15 question.  
 16 You may answer.  
 17 A Myself.  
 18 Q Anyone besides you?  
 19 MR. ZABELL: Objection to the form of the  
 20 question.  
 21 That's a statement to which no response is  
 22 required.  
 23 (Pause.)  
 24 MR. ZABELL: She can look at you all she  
 25 likes. She made a statement that does not require

1 LOUIS VECCHIA

2 a response.

3 A I don't know.

4 MS. GOLDBERG: Your objection is noted for  
5 the record. I would ask that you not instruct the  
6 witness. If he does not understand my question,  
7 he can let me know that he doesn't understand my  
8 question.

9 MR. ZABELL: Counselor, I told you  
10 yesterday when you ask a question, I am directing  
11 him to answer it. When you make a statement, I  
12 will direct him that what you are saying is a  
13 statement that does not require a response.

14 You know how to ask a question, this is not  
15 your first time at the rodeo, so ask your  
16 questions, do not make statements and expect my  
17 client to answer in the affirmative or the  
18 negative, it's not going to happen.

19 MS. GOLDBERG: First of all, I take  
20 exception to your tone.

21 MR. ZABELL: You can take as much exception  
22 as you like. Just ask him a question. You're  
23 wasting your time. Proceed.

24 MS. GOLDBERG: Are you done ranting and  
25 raving?

1 LOUIS VECCHIA

2 Suffolk Asphalt?

3 MR. ZABELL: Objection to the form of the  
4 question.

5 You may answer the question.

6 A Yes.

7 Q Did she do it in the same manner that she  
8 did the payroll for Suffolk Paving?

9 MR. ZABELL: Objection to the form of the  
10 question.

11 You may answer the question.

12 A You'll have to ask her that, I don't know.

13 Q Was she responsible for inputting the  
14 employees' hours of Suffolk Paving employees into the  
15 computer?

16 MR. ZABELL: Objection to the form of the  
17 question.

18 You may answer.

19 THE WITNESS: Repeat the question.

20 (The pending question was read.)

21 A That's vague.

22 Q I'll rephrase.

23 MR. ZABELL: Don't help her, just tell her  
24 you can't answer the question the way it's  
25 phrased.

1 LOUIS VECCHIA

2 MR. ZABELL: I am neither ranting nor  
3 raving. Ask your questions and let's proceed.

4 MS. GOLDBERG: Please note for the record  
5 that Mr. Zabel is yelling.

6 MR. ZABELL: That's not yelling, counselor.

7 MR. WALLACE: Can you read back the  
8 question, the last question?

9 MR. ZABELL: Or the last statement.

10 (The record was read.)

11 A I'm not sure.

12 Q Did -- withdrawn.

13 When was Suffolk Asphalt started?

14 MR. ZABELL: Objection to the form of the  
15 question.

16 You may answer.

17 A It's my son's company.

18 (Pause.)

19 A Somewhere in the 2000's.

20 Q Was it early 2000?

21 A I don't recall.

22 Q Do you recall whether it was before 2005?

23 A Don't recall.

24 Q Does Helene Vecchia -- withdrawn.

25 Did Helene Vecchia do the payroll for

1 LOUIS VECCHIA

2 A I can't answer that.

3 Q Did Helene Vecchia input Suffolk --  
4 withdrawn.

5 Did Helene Vecchia input the hours, the  
6 workers' hours, for Suffolk Asphalt into the computer?

7 MR. ZABELL: Objection to the form of the  
8 question.

9 You may answer.

10 A Did Helene Vecchia put in the hours for the  
11 employees of Suffolk Asphalt, that was your question?

12 (Pause.)

13 A I would imagine she does, yes, that's part  
14 of payroll.

15 Q Did Helene Vecchia assist with personnel  
16 matters for Suffolk Asphalt?

17 MR. ZABELL: Objection to the form of the  
18 question.

19 You may answer it.

20 A Possibly.

21 Q Did Helene Vecchia have any management  
22 responsibility for Suffolk Paving?

23 MR. ZABELL: Objection to the form of the  
24 question.

25 You may answer it.

1 LOUIS VECCHIA  
2 A I'm not sure.  
3 Q Did Helene Vecchia have any management  
4 responsibilities for Suffolk Asphalt?  
5 MR. ZABELL: Objection to the form of the  
6 question.  
7 You may answer.  
8 A Managerial?  
9 MR. ZABELL: Don't ask her questions.  
10 THE WITNESS: Sorry.  
11 (Pause.)  
12 A I don't know.  
13 Q How big is the office of Suffolk Paving  
14 located at 30 North Dunton?  
15 MR. ZABELL: Objection to the form of the  
16 question.  
17 To the extent you understand the question,  
18 you may answer it.  
19 A I'd have to measure it.  
20 Q Can you give me an approximate size?  
21 (Pause.)  
22 A Thirty . . . trying to take steps here.  
23 Thirty by --  
24 MR. ZABELL: I don't want you to guess. If  
25 you know the answer, you can give her the answer.

1 LOUIS VECCHIA  
2 A I don't know.  
3 Q How many rooms are in that office?  
4 MR. ZABELL: Objection to the form.  
5 A Which office?  
6 Q How many rooms do your offices comprise of  
7 at 30 North Dunton?  
8 MR. ZABELL: Objection to the form of the  
9 question.  
10 A I don't know.  
11 Q Did Helene Vecchia do payroll for Cross  
12 Island Industries?  
13 MR. ZABELL: Objection to the form.  
14 You may answer.  
15 A Yes.  
16 Q Did she do payroll in a similar manner as  
17 to that which she did for Suffolk Paving?  
18 MR. ZABELL: Objection to the form.  
19 You may answer.  
20 A I don't know.  
21 Q Aside from Helene Vecchia, do you know if  
22 there was anyone else that does payroll for Suffolk  
23 Asphalt?  
24 MR. ZABELL: Objection to the form.  
25 You may answer.

1 LOUIS VECCHIA  
2 A I don't know.  
3 Q Aside from Helene Vecchia, do you know if  
4 there's anyone else that does payroll for Cross Island  
5 Industries?  
6 A I don't know.  
7 Q Do you deal with any personnel matters  
8 for -- withdrawn.  
9 Did you deal with any personnel matters for  
10 Suffolk Asphalt?  
11 MR. ZABELL: Objection to the form.  
12 You may answer.  
13 A Occasionally.  
14 Q When you say "occasionally," how often do  
15 you mean?  
16 MR. ZABELL: Objection to the form of the  
17 question.  
18 A Whatever assistance -- my son needs  
19 assistance, I will, you know . . . I'll try to help the  
20 best I can, he's my son.  
21 Q How often can you estimate would you help  
22 your son with a personnel matter for Suffolk Asphalt?  
23 MR. ZABELL: Objection to the form of the  
24 compound question.  
25 A Don't know.

1 LOUIS VECCHIA  
2 Q Can you give me an example of a personnel  
3 matter that you helped your son with?  
4 MR. ZABELL: Objection to the form.  
5 A No.  
6 MR. ZABELL: You may answer.  
7 A No.  
8 Q Is Suffolk Paving incorporated?  
9 A I believe so.  
10 Q When was it incorporated?  
11 A In the '90s.  
12 Q Do you recall when in the '90s?  
13 A I believe we said around mid '90s.  
14 Q When it was first incorporated, what was  
15 the ownership structure of Suffolk Paving?  
16 A Same as it is today.  
17 Q Which is what?  
18 A I own it.  
19 Q Have there ever been any other owners  
20 listed for Suffolk Paving?  
21 A Not to my knowledge.  
22 Q Is Suffolk Asphalt incorporated?  
23 A I don't know.  
24 Q Do you know the ownership structure of  
25 Suffolk Asphalt?



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1 LOUIS VECCHIA  
 2 A Christopher Vecchia.  
 3 Q What about Christopher Vecchia?  
 4 A He's the owner of Suffolk Asphalt.  
 5 Q Has he always been the sole owner?  
 6 A I believe so.  
 7 Q Is Cross Island Industries incorporated?  
 8 A Yes.  
 9 Q When was Cross Island Industries  
 10 incorporated?  
 11 A I don't recall.  
 12 Q What was the ownership structure of Cross  
 13 Island Industries when it was incorporated?  
 14 A I own it.  
 15 Q Has it ever changed?  
 16 A Not to my knowledge.  
 17 Q From 2005 to 2009, who managed Suffolk  
 18 Paving?  
 19 MR. ZABELL: Objection to the form.  
 20 You may answer.  
 21 A I don't know. I mean . . . I don't know.  
 22 Q Did you oversee all the employees yourself?  
 23 MR. ZABELL: Objection to the form of the  
 24 question.  
 25 You may answer.

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1 LOUIS VECCHIA  
 2 A As much as I could.  
 3 Q Was there any supervisors that you  
 4 employed?  
 5 MR. ZABELL: Objection to the form of the  
 6 question.  
 7 You may answer.  
 8 A It was various people I would put  
 9 responsibility onto, you know, do what they needed to  
 10 do for the day.  
 11 Q Did you have any operations manager?  
 12 MR. ZABELL: Objection to the form.  
 13 You may answer.  
 14 A Tommy McEvilly.  
 15 Q What was his title?  
 16 A Right-hand man.  
 17 Q When did he start working for Suffolk  
 18 Paving?  
 19 A I don't know.  
 20 Q Was it prior to 2009?  
 21 A I don't know.  
 22 Q What was Tom McEvilly's responsibilities?  
 23 MR. ZABELL: Objection to the form.  
 24 You may answer.  
 25 A Right-hand man, whatever he could do to

1 LOUIS VECCHIA  
 2 help me.  
 3 Q Did he supervise the plaintiffs?  
 4 A I'm sure he might have tried.  
 5 Q Did he oversee the plaintiffs at work  
 6 sites?  
 7 MR. ZABELL: Objection to the form.  
 8 You may answer.  
 9 A Sometimes.  
 10 Q When you say "sometimes," would you say it  
 11 was three times a week?  
 12 MR. ZABELL: Objection to the form of the  
 13 question.  
 14 How would you say it was?  
 15 MS. GOLDBERG: I'll rephrase that.  
 16 MR. ZABELL: Are you withdrawing that  
 17 question?  
 18 MS. GOLDBERG: Yes, I'll withdraw that  
 19 question.  
 20 Q Would you say that Tom McEvilly supervised  
 21 the plaintiffs at work sites three times a week?  
 22 MR. ZABELL: Objection to the form of the  
 23 question.  
 24 You may answer.  
 25 A No idea.

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1 LOUIS VECCHIA  
 2 Q Does Tom McEvilly still work for you?  
 3 A For me, yes.  
 4 Q Does he still have the same role?  
 5 MR. ZABELL: Objection to the form of the  
 6 question.  
 7 You may answer.  
 8 A Yes.  
 9 Q Does he still work for Suffolk Paving?  
 10 MR. ZABELL: Objection to the form of the  
 11 question.  
 12 A I'm not sure.  
 13 MR. ZABELL: You may answer.  
 14 A Not sure.  
 15 Q Does Tom McEvilly -- withdrawn.  
 16 Has Tom McEvilly ever worked for Cross  
 17 Island Industries?  
 18 A I believe he has.  
 19 Q When did he work for Cross Island  
 20 Industries?  
 21 A Not sure.  
 22 Q Does he currently work for Cross Island  
 23 Industries?  
 24 A I'm not sure.  
 25 Q What are his responsibilities -- withdrawn.



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1 LOUIS VECCHIA  
 2 What were his responsibilities at Cross  
 3 Island Industries?  
 4 A Right-hand man.  
 5 Q Did he supervise the employees of Cross  
 6 Island Industries?  
 7 A When need be.  
 8 Q Did Thomas McEvilly ever work for Suffolk  
 9 Asphalt?  
 10 A I don't think so.  
 11 Q Are there any other -- withdrawn.  
 12 Would you call Tom McEvilly a supervisor?  
 13 MR. ZABELL: Objection to the form of the  
 14 question.  
 15 You may answer.  
 16 A Occasionally.  
 17 Q Are there any other individuals that  
 18 you've -- that have acted as supervisors for you for  
 19 Suffolk Paving?  
 20 MR. ZABELL: Hold on. I object to the form  
 21 of that question.  
 22 To the extent you understand it, you may  
 23 answer.  
 24 A Possible.  
 25 Q Can you tell me all the supervisors that

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1 LOUIS VECCHIA  
 2 you had at Suffolk Paving from 2005 to the present?  
 3 A No.  
 4 Q Can you list any aside from Tom McEvilly?  
 5 MR. ZABELL: Object to the form.  
 6 You may answer.  
 7 A No, I cannot.  
 8 Q Did Christopher Vecchia ever supervise any  
 9 employees at Suffolk Paving?  
 10 A He might have.  
 11 Q When would that have been?  
 12 A Maybe when he was 15, 16.  
 13 Q How old is he today?  
 14 A Twenty-seven.  
 15 Q Approximately when was the last time that  
 16 he supervised employees at Suffolk Paving?  
 17 A I don't recall.  
 18 Q Was it more than five years ago?  
 19 A I have no idea.  
 20 Q Could it have been less than two years ago?  
 21 MR. ZABELL: Objection. He's already  
 22 stated he doesn't know.  
 23 A I don't know.  
 24 Q Are all the bills for Suffolk Asphalt paid  
 25 by Helene Vecchia?

1 LOUIS VECCHIA  
 2 MR. ZABELL: Objection to the form of the  
 3 question.  
 4 You may answer.  
 5 A I don't know.  
 6 Q Were all the bills paid for Suffolk Paving  
 7 paid by Helene Vecchia?  
 8 MR. ZABELL: Objection to the form.  
 9 You may answer.  
 10 A I don't know.  
 11 Q Are there any employees that have worked  
 12 both for Suffolk Paving and for Suffolk Asphalt?  
 13 MR. ZABELL: If you can answer it, give it  
 14 a shot.  
 15 A I don't know, but ...  
 16 MR. ZABELL: Don't explain things, just  
 17 answer.  
 18 A I don't know. I don't know.  
 19 Q Does Suffolk Paving and Suffolk Asphalt do  
 20 the same thing?  
 21 MR. ZABELL: Objection to the form.  
 22 You may answer.  
 23 A On occasion.  
 24 Q When you say "on occasion," can you  
 25 estimate for me what you're talking about?

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1 LOUIS VECCHIA  
 2 MR. ZABELL: Hold on, hold on.  
 3 You're asking him to estimate what he's  
 4 talking about?  
 5 MS. GOLDBERG: I'll rephrase. I'll  
 6 rephrase and I'll withdraw the question, yes,  
 7 Saul, I'll withdraw the question.  
 8 MR. ZABELL: Good.  
 9 Q When you say occasionally, how often would  
 10 they do the same thing?  
 11 MR. ZABELL: Objection to the form.  
 12 You may answer.  
 13 A No idea.  
 14 Q Does Suffolk Paving pave roads?  
 15 A Occasionally.  
 16 Q Does Suffolk Asphalt pave roads?  
 17 A Occasionally.  
 18 Q Does Suffolk Paving pave roads every day?  
 19 A Not really.  
 20 Q Does Suffolk Asphalt pave roads every day?  
 21 A Not really.  
 22 Q What else does Suffolk Paving do?  
 23 MR. ZABELL: Objection to the form of the  
 24 question.  
 25 That's your question?

1 LOUIS VECCHIA  
2 MS. GOLDBERG: That's my question.  
3 MR. ZABELL: To the extent you can, you may  
4 answer it.  
5 A Built bocce ball courts, it's built tennis  
6 courts. It builds various things.  
7 Q So Suffolk Paving builds things?  
8 A Yeah.  
9 MR. ZABELL: Objection to the form of the  
10 question.  
11 A Yeah.  
12 Q Between 2005 and 2009, how many employees  
13 did Suffolk Paving employ?  
14 MR. ZABELL: Objection, asked and answered.  
15 You can answer.  
16 A No idea.  
17 Q Was it more than 50?  
18 MR. ZABELL: Objection, asked and answered.  
19 You can answer it one more time.  
20 A No idea.  
21 MR. ZABELL: And that's it.  
22 Q How many employees did Suffolk Asphalt  
23 employ?  
24 MR. ZABELL: Objection, asked and answered.  
25 You can answer it.

1 LOUIS VECCHIA  
2 A I don't know.  
3 Q Do you know whether it was more than 50?  
4 MR. ZABELL: Objection, asked and answered.  
5 Last question on that subject. He's advised you  
6 he has no idea and yet you seem intent on  
7 continuing to question him as to whether he has an  
8 idea.  
9 THE WITNESS: Okay.  
10 MR. WALLACE: Can we have a discussion off  
11 the record?  
12 MR. ZABELL: No, no, I'd rather it be on  
13 the record.  
14 MR. WALLACE: If the witness is not  
15 providing an answer, she's entitled to narrow the  
16 witness down and aid the witness perhaps in  
17 narrowing it down to an approximate number.  
18 If we were to stop at "I don't know" in a  
19 deposition, Saul, you know very well we wouldn't  
20 get much.  
21 MR. ZABELL: You are not getting "I don't  
22 know" --  
23 MR. WALLACE: So she's --  
24 MR. ZABELL: -- you're getting the answer  
25 that he has no idea.

1 LOUIS VECCHIA  
2 MR. WALLACE: She's entitled to do her job  
3 and to narrow the witness down to a specific point  
4 in time or a specific number or some approximate  
5 number. "I don't know" is simply not good enough.  
6 MR. ZABELL: That would be great if that's  
7 what he's testifying to. Him saying "I don't  
8 know" is different than what he's testifying to.  
9 MR. WALLACE: What did he say?  
10 MR. ZABELL: You're here, you're at the  
11 same deposition, you're taking copious notes,  
12 you're handing them to Lauren, so I'm sure you  
13 wrote down his actual words.  
14 I'm letting you know now these questions  
15 were asked probably before you came here because  
16 you arrived a little late this morning. They were  
17 asked then, they're being asked again, she's  
18 asking the same things and there's a limit to how  
19 much I'll allow her to harass my client. And I am  
20 entitled to shut down the line of questions and  
21 I'm giving you fair notice that I am and if you're  
22 uncomfortable with that, you are free to call  
23 Magistrate Tomlinson and we can discuss it with  
24 her.  
25 MR. WALLACE: We might have to do that.

1 LOUIS VECCHIA  
2 MR. ZABELL: I'm the one who suggested it,  
3 Ian.  
4 MR. WALLACE: I'm taking up your  
5 suggestion, we may have to call Magistrate  
6 Tomlinson. I hope we don't and I hope we can work  
7 it out professionally, but if we have to, we'll  
8 get her on the line.  
9 MS. GOLDBERG: Saul, your objection must be  
10 in a nonargumentative manner. They're completely  
11 argumentative.  
12 I asked him briefly this morning about  
13 Suffolk Paving employees, I did not ask him about  
14 Suffolk Asphalt employees. I'm entitled to ask  
15 him more than one or two questions. It certainly  
16 in no way, shape or form rises to harassment at  
17 this point. I'm entitled to probe whether he has  
18 any idea in terms of whether it's a larger or a  
19 smaller number and if you say that I'm not, then  
20 clearly we should just call Judge Tomlinson  
21 because these are very basic questions and we can  
22 move through them if there's not so many  
23 objections.  
24 MR. ZABELL: You have probed all that I  
25 will allow you to probe. So you have one question

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1 LOUIS VECCHIA  
 2 pending before him, I told you I will allow him to  
 3 answer it and then you'll move on.  
 4 MR. WALLACE: Okay. Ask him this question,  
 5 what's the point in arguing, we're clearly at an  
 6 impasse; ask him what do you want to clarify.  
 7 MS. GOLDBERG: No, there is a question  
 8 pending.  
 9 MR. WALLACE: The witness said I want to  
 10 clarify. Ask the witness what he wants to  
 11 clarify.  
 12 Q Would you like to clarify something at this  
 13 point?  
 14 MR. ZABELL: Are you withdrawing your prior  
 15 question?  
 16 MS. GOLDBERG: I'm not withdrawing my prior  
 17 question.  
 18 MR. ZABELL: Well, then, you can pick one  
 19 of the two questions that's pending before you,  
 20 don't disclose to us which one you're answering  
 21 and just provide an answer, if you can.  
 22 A It's a simple answer.  
 23 We're a seasonal company. The employees  
 24 vary. That's why I'm giving you the answer. I can't  
 25 give you an accurate answer that you're asking me

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1 LOUIS VECCHIA  
 2 because we're a seasonal company and it varies and  
 3 that's the only reason why I'm telling you I don't know  
 4 because at different times you're asking me to answer  
 5 your questions between 2005 and 2009. Sorry.  
 6 MR. ZABELL: You have nothing to be sorry  
 7 for.  
 8 Q Is Suffolk Asphalt also a seasonal company?  
 9 A Yes.  
 10 Q Is Cross Island Industries a seasonal  
 11 company?  
 12 A Yes.  
 13 Q For Suffolk Paving -- withdrawn.  
 14 Generally, how many months of the year do  
 15 you employ individuals?  
 16 MR. ZABELL: Objection to the form of the  
 17 question.  
 18 What entity are you referring to?  
 19 MS. GOLDBERG: Suffolk Paving.  
 20 A Generally speaking, anywhere from six to  
 21 nine months. Varies.  
 22 Q Generally speaking, what is the time frame  
 23 of those six months during the course of the year?  
 24 MR. ZABELL: Objection to the form of the  
 25 question.

1 LOUIS VECCHIA  
 2 You may answer.  
 3 A It's different every year.  
 4 Q Is there any consistency?  
 5 MR. ZABELL: Objection to the form of the  
 6 question.  
 7 A Depends on Mother Nature.  
 8 Q Would it be fair to say that you employ  
 9 individuals from March to December?  
 10 MR. ZABELL: Objection to the form of the  
 11 question.  
 12 A Various.  
 13 Q When you are operating -- withdrawn.  
 14 What is the maximum number of people that  
 15 you have employed at any one time?  
 16 MR. ZABELL: Objection to the form of the  
 17 question.  
 18 A I can't answer that honestly; unless I  
 19 look, I don't know.  
 20 Q Do you have an off season?  
 21 MR. ZABELL: Objection to the form of the  
 22 question.  
 23 You may answer, if you can.  
 24 A Off season, like --  
 25 MR. ZABELL: Don't ask her any questions.

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1 LOUIS VECCHIA  
 2 A I don't understand the question.  
 3 MR. ZABELL: There you go.  
 4 Q Do you have a winter break?  
 5 MR. ZABELL: Objection to the form of the  
 6 question.  
 7 You may answer.  
 8 A Depends on the winter.  
 9 Q Again, I'm referring to the time period of  
 10 2005 to 2009, that time period.  
 11 Would you say you have had about the same  
 12 amount of employees every July?  
 13 MR. ZABELL: Objection to the form of the  
 14 question.  
 15 A I don't know.  
 16 MR. ZABELL: You may answer.  
 17 A I can't answer that, I don't know.  
 18 Q What months do you employ the most amount  
 19 of employees?  
 20 MR. ZABELL: Objection to the form of the  
 21 question.  
 22 You may answer.  
 23 A Depends on the time of the year, depends on  
 24 the year, depends on the workload.  
 25 Q When you have a lot of work, how many

1 LOUIS VECCHIA  
 2 employees do you employ?  
 3 MR. ZABELL: Hold on.  
 4 I object to the form of the question.  
 5 You may answer it if you can.  
 6 THE WITNESS: I'm sorry, could you repeat  
 7 the question, please?  
 8 (The pending question was read.)  
 9 A Anywhere between 15 and 30.  
 10 Q During the months when you don't have a lot  
 11 of work, how many employees generally do you employ?  
 12 MR. ZABELL: Objection to the form of the  
 13 question.  
 14 You may answer.  
 15 A Least amount as possible.  
 16 Q Would you say that those numbers are the  
 17 same for Suffolk Asphalt?  
 18 A I don't know the numbers.  
 19 Q Are there any unions with which Suffolk  
 20 Paving has made a collective bargaining agreement with?  
 21 MR. ZABELL: Objection to the form.  
 22 You may answer.  
 23 A I don't know.  
 24 Q Do you employ union workers?  
 25 MR. ZABELL: Objection to the form.

1 LOUIS VECCHIA  
 2 You may answer.  
 3 A I don't believe -- I might have.  
 4 Q Have you ever employed nonunion workers?  
 5 A I might have.  
 6 MR. ZABELL: Objection to the form.  
 7 You may answer.  
 8 A I might have.  
 9 Q Again, 2005 to 2009 is the time period I'm  
 10 talking about.  
 11 MR. ZABELL: That's a statement to which no  
 12 response is required.  
 13 Q Did you have a procedure for how plaintiffs  
 14 kept their time records?  
 15 MR. ZABELL: Objection to the form.  
 16 You may answer.  
 17 A Basically . . . I would keep track of some  
 18 of it myself or on occasion some hand in occasionally  
 19 time sheets, inaccurate time sheets, you know, it  
 20 varied, it was very inconsistent.  
 21 MS. GOLDBERG: I'd like to take a  
 22 five-minute break.  
 23 (Short resist taken.)  
 24 MS. GOLDBERG: Can you please read back the  
 25 last question and answer?

1 LOUIS VECCHIA  
 2 (The record was read.)  
 3 Q Did you have a written policy regarding how  
 4 plaintiffs should record their hours at Suffolk Paving?  
 5 MR. ZABELL: Objection to the form of the  
 6 question.  
 7 You may answer.  
 8 A No.  
 9 Q Did you provide forms for the plaintiffs to  
 10 fill out to put down their hours?  
 11 MR. ZABELL: Objection to the form of the  
 12 question.  
 13 You may answer.  
 14 A I personally did not.  
 15 Q Did Suffolk Paving have such forms?  
 16 MR. ZABELL: Objection to the form of the  
 17 question.  
 18 You may answer.  
 19 A I don't know.  
 20 Q Did some of the plaintiffs fill out  
 21 handwritten time sheets?  
 22 MR. ZABELL: Objection to the form of the  
 23 question.  
 24 You may answer.  
 25 A I've occasionally seen some.

1 LOUIS VECCHIA  
 2 Q Was there someone that instructed the  
 3 plaintiffs to do so?  
 4 MR. ZABELL: Objection to the form of the  
 5 question.  
 6 You may answer.  
 7 A I don't know.  
 8 Q Were the -- withdrawn.  
 9 Was there a form provided to the plaintiffs  
 10 so that they could keep track of their hours?  
 11 MR. ZABELL: Objection to the form of the  
 12 question. Objection, asked and answered.  
 13 You may answer again.  
 14 A Not to my knowledge.  
 15 MS. GOLDBERG: Would you mind reading back  
 16 the very first question and answer before we took  
 17 the break?  
 18 (The record was read.)  
 19 Q When you say that occasionally some  
 20 plaintiffs handed in time sheets, what time sheets are  
 21 you referring to?  
 22 MR. ZABELL: Objection to the  
 23 mischaracterization of the testimony.  
 24 To the extent you can answer that, you may.  
 25 A I believe they varied. Some were actually



1 LOUIS VECCHIA

2 handwritten on just pieces of this, you know,  
3 loose-leaf stuff.

4 Q I would note for the record that the  
5 witness has gestured to a lined piece of paper.

6 A Correct.

7 MR. ZABELL: Eight and a half by 11.

8 MS. GOLDBERG: Eight and a half by 11.

9 MR. ZABELL: I concur, I believe that's an  
10 accurate reflection of what actually occurred.

11 Q Was there any regularity with which the  
12 plaintiffs handed in time sheets?

13 MR. ZABELL: Objection to the form.

14 You may answer.

15 A No, not to my knowledge.

16 Q Do you know whether -- withdrawn.

17 Did the plaintiffs hand in their time  
18 sheets to you directly?

19 MR. ZABELL: Objection to the form.

20 You may answer.

21 A I don't recall. I don't think so, though,  
22 no.

23 Q Who did they hand their time sheets to?

24 MR. ZABELL: Objection to the form.

25 You may answer.

1 LOUIS VECCHIA

2 A I believe Tommy would get them every once  
3 in a while.

4 Q When you say "every once in a while," can  
5 you approximate for me how often he would get the time  
6 sheets?

7 A No.

8 Q Can you tell me whether it was more than  
9 once a week that he would collect time sheets from the  
10 plaintiffs?

11 MR. ZABELL: Objection to the form.

12 You may answer.

13 A I don't know.

14 Q How would you keep track of plaintiffs'  
15 hours?

16 MR. ZABELL: Objection to the form.

17 You may answer.

18 A Various ways. Being there on jobs myself  
19 personally. How else would we do it?

20 (Pause.)

21 A When one of the drivers was done, I  
22 would -- you know, they would inform me that they were  
23 finished.

24 (Pause.)

25 A And then basically each week, you know,

1 LOUIS VECCHIA

2 whatever Tommy gave me, you know.

3 Q What did Tommy give you?

4 A He would give me a worksheet (indicating)  
5 generated by a computer of some sort of the men and  
6 their hours and days and also jobs, locations.

7 Q I'm going to give you what's been  
8 previously marked as Exhibit 2. Please review the  
9 exhibit and take as much time as you need and please  
10 look up when you are done reviewing it.

11 (Handing.)

12 (Witness reviewing document.)

13 A Finished.

14 Q Have you had time to review what's been  
15 marked as Plaintiff's Exhibit 2?

16 A Yes.

17 Q Aside from the writing on this form, but is  
18 this the form that Tom McEvilly would give to you?

19 MR. ZABELL: I object to the form of the  
20 multiple questions that have been asked.

21 You may pick one of the questions and  
22 provide an answer to it.

23 THE WITNESS: Can you repeat that for me,  
24 please?

25 MS. GOLDBERG: Your objection is

1 LOUIS VECCHIA

2 inappropriate as you're giving instruction to the  
3 witness. You can object to form. I can read back  
4 the question, I can have JoAnn read back the  
5 question. If he does not understand it, he can  
6 say that he does not understand it.

7 MR. ZABELL: Counselor, I understand your  
8 sensitivity regarding my objection to your  
9 compound questions. If you don't want me to  
10 object in that manner, do not ask compound  
11 questions, okay?

12 MS. GOLDBERG: You are certainly permitted  
13 to object. If the witness cannot answer the  
14 question, I will be glad to try to rephrase it.  
15 But your comments certainly suggest to the witness  
16 that he in some way, shape or form maybe should  
17 have a problem with the question. So you're  
18 telling him to have a problem with the question.

19 MR. ZABELL: That's not true.

20 MS. GOLDBERG: That is.

21 MR. ZABELL: I'm telling you that if you're  
22 going to ask --

23 MS. GOLDBERG: By the use of your words.

24 MR. ZABELL: I'm telling you, counselor --  
25 and I give you the courtesy of finishing, allowing



1 LOUIS VECCHIA  
2 you to finish speaking and I demand the same -- if  
3 you're going to ask two questions together, I am  
4 going to continue to instruct my client that he  
5 may pick any one of the two and provide an answer  
6 to it.

7 If you want to ask two questions, ask them  
8 separately and if you have an issue with that, I'm  
9 telling you now, I'd be more than happy to discuss  
10 this with the magistrate.

11 MS. GOLDBERG: Are you done?

12 MR. ZABELL: Yes, I am.

13 MS. GOLDBERG: JoAnn, can you please read  
14 back the last question?

15 (The pending question was read.)

16 MR. ZABELL: Same objection.

17 You may pick a question and provide an  
18 answer to it.

19 A Yes.

20 Q Would he provide a sheet for each employee  
21 that worked that week to you?

22 A Yes.

23 Q How were these forms created?

24 A That I don't know.

25 Q Who was responsible for creating these

1 LOUIS VECCHIA

2 the computer?

3 A From these forms.

4 Q These forms, Exhibit 2, were these forms  
5 the forms that were created from the computer?

6 MR. ZABELL: Objection to the form.

7 Objection, asked and answered.

8 You may answer.

9 A Did these forms come from a computer?

10 MR. ZABELL: Remember, she's not under  
11 oath --

12 THE WITNESS: But I -- I don't know. I  
13 don't know.

14 Q Did Exhibit 2 come from a computer?

15 MR. ZABELL: Objection, asked and answered.

16 A I would -- yeah, I would imagine it did.

17 Q Who gave Helene Vecchia the hours of the  
18 plaintiffs to input into the computer?

19 MR. ZABELL: Her name is Helene Vecchia.

20 Q Helene. I apologize.

21 A Helene with an E.

22 Q And I probably, just so you know, not  
23 intentionally, but I'll probably say it again since I'm  
24 not used to pronouncing it Helene, but ...

25 A Okay.

1 LOUIS VECCHIA

2 forms?

3 MR. WALLACE: Exhibit 2.

4 MS. GOLDBERG: Exhibit 2, yes.

5 MR. ZABELL: Again, as I said yesterday, I  
6 don't care who asks my client questions, but only  
7 one of you can ask questions at a time.

8 Mr. Wallace, if you want to assist  
9 Ms. Goldberg, feel free to continue passing notes,  
10 as you have been doing all along. But there  
11 should only be one person questioning my client at  
12 a time.

13 THE WITNESS: All right, all that being  
14 said, could you repeat the question?

15 (The pending question was read.)

16 A I really don't know. I don't.

17 Q Do you know what program was used to create  
18 these forms?

19 A No idea.

20 Q Did Helene Vecchia input the plaintiffs'  
21 hours into the computer?

22 MR. ZABELL: Objection to the form.

23 You may answer.

24 A I believe she would, yeah.

25 Q How did she obtain the numbers to put into

1 LOUIS VECCHIA

2 MS. GOLDBERG: Can you please read back the  
3 question?

4 (The pending question was read.)

5 A I personally would review the hours once  
6 Tommy gave them to me and then I would either -- if  
7 they seem fine, I would agree to them or if I saw  
8 discrepancies of something that wasn't there, I would  
9 make a call to whoever happened to be on that job for  
10 the day or you know, however it went.

11 Q In the middle of the page on Exhibit 2 is  
12 written 32 and then some notation; do you see that?

13 A Yes.

14 Q Is that your handwriting?

15 A I believe it is, yes.

16 Q I'm going to give you what's been  
17 previously marked as Exhibit 1.

18 (Handing.)

19 (Witness reviewing document.)

20 A I've reviewed it.

21 Q Do you recognize it?

22 A No.

23 Q Aside from the actual writing on the  
24 document, do you recognize this form?

25 A This might be one of those time sheets that

1 LOUIS VECCHIA

2 we periodically saw.

3 Q When would you see these sheets?

4 A If there was a problem every once in a  
5 while with payroll, whether we forgot a guy for a day  
6 or something like that, I think . . . I think Tommy  
7 would come to me or even Christopher would say, you  
8 know, tell Helene to . . . you know, there was an  
9 issue, change it or whatever or they'd review these and  
10 . . . we basically review these and most of the time  
11 they would be off.

12 Q Did you use Exhibit 1, this form -- again,  
13 just the form -- 2005 to 2009?

14 A I don't know. I don't know the time  
15 frames.

16 Q Do you still use it today?

17 A I haven't seen one. I haven't seen one all  
18 year.

19 Q Did the plaintiffs hand these forms to  
20 Thomas McEvilly?

21 A That you'd have to ask Tommy, I don't know.

22 Q Do you know where these forms were kept?

23 A No.

24 Q Was there a certain day of the week that  
25 Thomas McEvilly would give these to you?

1 LOUIS VECCHIA

2 A Thursdays.

3 Q When you received them, what would you do  
4 with them?

5 A We have to go back. I was referring to  
6 this sheet (indicating).

7 MR. ZABELL: You were referring to Exhibit  
8 2?

9 THE WITNESS: Yes, I was referring to  
10 Exhibit 2 I would get on Thursdays. Sorry about  
11 that.

12 Q So going back to Exhibit 1, is there a  
13 certain day of the week that Thomas McEvilly would give  
14 you what's been marked as Exhibit 1?

15 A I don't -- I really rarely saw these.

16 Q Did the plaintiffs, to your knowledge, ever  
17 fill these out?

18 A Like I said, I believe, it's either this or  
19 something close to this, there was like two or three  
20 different types of things that we would -- that I think  
21 they were periodically doing.

22 Q Is there anyone that would regularly review  
23 Exhibit 1?

24 A Regularly?

25 Q Regularly review Exhibit 1.

1 LOUIS VECCHIA

2 unanswered question?

3 MS. GOLDBERG: The witness has indicated  
4 that he cannot answer the question.

5 MR. ZABELL: No, that's not correct. I  
6 don't believe such -- I don't know if that's what  
7 his indication is going to be, he may be able to  
8 answer it if you want him to answer it, ask him to  
9 answer it.

10 MS. GOLDBERG: In any event, he's given  
11 what his answer is to that question, I'm now  
12 following up with a different question. I'm  
13 not --

14 MR. ZABELL: I don't believe that's --

15 MS. GOLDBERG: I'm not sure what this  
16 dialogue is about. I'm now following up with a  
17 different question.

18 MR. ZABELL: The dialogue is simply about  
19 clarifying the record. If you're going to abandon  
20 the previous question, then you've abandoned it  
21 and you want to move on, go ahead, move on.

22 MS. GOLDBERG: Thank you.

23 MR. ZABELL: You're welcome.

24 MS. GOLDBERG: Can you please state the  
25 last full question and answer, I've now lost my

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1 LOUIS VECCHIA  
2 place after Mr. Zabell's interjection?  
3 MR. ZABELL: Mr. who?  
4 MS. GOLDBERG: Mr. Zabell's interjection.  
5 (The record was read.)  
6 MS. GOLDBERG: Right. He gave what his  
7 answer was to that question, so I'm moving on.  
8 MR. ZABELL: No, that's not an answer. If  
9 you want to abandon it, fine, just signify you  
10 want to abandon it and move on.  
11 MS. GOLDBERG: Thank you. Thank you, Saul.  
12 MR. ZABELL: You're welcome.  
13 I presume you want to abandon it.  
14 MS. GOLDBERG: I'm going to proceed with my  
15 next question, if that's acceptable.  
16 MR. ZABELL: Then signify that you're  
17 abandoning the question, that's fine. Please,  
18 move forward.  
19 Q Was there anyone at Suffolk Paving who was  
20 responsible for receiving Exhibit 1; again, I'm talking  
21 about the form in general, I'm not talking about the  
22 specific form with the writing, I'm using Exhibit 1 as  
23 an example for the form?  
24 A I believe there were forms that were filled  
25 out that some of the men periodically handed in that .

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1 LOUIS VECCHIA  
2 .. were given to Tommy. He, I would assume, would  
3 review them before he would enter them here  
4 (indicating) and then what he would do -- then what  
5 would happen is the only time I saw this was like a few  
6 times when there was an issue, whether somebody was  
7 either missing a day, missing an hour, something like  
8 that. That's the only time I would see something like  
9 this (indicating).  
10 Q When you say "something like this," just  
11 let the record reflect that you're --  
12 A Yes. Exhibit 1. I'm referring to Exhibit  
13 1.  
14 Q To your knowledge, was there someone  
15 responsible for gathering Exhibit 1 whenever the  
16 plaintiffs filled it out?  
17 MR. ZABELL: Objection to the form of the  
18 question.  
19 You may answer.  
20 A Again, like I said, I believe Tommy would  
21 occasionally get these from the men, you know, before  
22 we would do the payroll, which was on a Thursday.  
23 Q Approximately how many times in a given  
24 month would you see Exhibit 1?  
25 MR. ZABELL: Objection to the form.

1 LOUIS VECCHIA  
2 A In a month?  
3 (Pause.)  
4 A I could not see one of them.  
5 Q What happened to -- withdrawn.  
6 What did you do with the forms -- I'm  
7 referring to Exhibit 1 -- that you did see?  
8 MR. ZABELL: Objection to the form.  
9 You may answer.  
10 A If there was an issue with the form or with  
11 a certain individual, what we would do is I was -- I  
12 would contact or if I went to the job, I would see -- I  
13 would go up to the site, what happened, explain to me  
14 where, explain to me why and then if there was a  
15 logical explanation or there was a mistake made, it  
16 would either be rectified, sometimes right there on the  
17 spot, sometimes we would follow up the following week,  
18 you know, when we re-did the payroll the following  
19 week.  
20 Q Did you keep the forms?  
21 A Me?  
22 MR. ZABELL: Objection to the question, to  
23 the form of the question.  
24 You may answer.  
25 Q And again, referring to Exhibit 1.

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1 LOUIS VECCHIA  
2 A Tommy would hand me the one thing, then I  
3 would just hand it back to him and say hey, I'll -- you  
4 know, talk to him, try to find out what the story is,  
5 do you know what it was or you investigate and find out  
6 what the situation was.  
7 Q Did Thomas McEvilly keep all of the  
8 forms -- again, Exhibit 1 -- that he received?  
9 MR. ZABELL: Objection to the form of the  
10 question.  
11 You may answer.  
12 A Yeah, that I don't know, sorry, I don't  
13 know.  
14 Q Did you instruct him to keep the forms;  
15 again, referring to Exhibit 1?  
16 MR. ZABELL: Objection to the form.  
17 You may answer.  
18 A No.  
19 Q Was this the same -- withdrawn.  
20 Did you have the same procedure from 2005  
21 to 2009 with regard to Exhibit 1 that we've just  
22 discussed?  
23 MR. ZABELL: Objection to the form of the  
24 question.  
25 You may answer.

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1 LOUIS VECCHIA  
 2 A I don't know. That whole time frame, I  
 3 don't know.  
 4 Q Was there ever a time that you recall  
 5 instructing Thomas McEvilly to keep these records?  
 6 MR. ZABELL: Objection to the form.  
 7 You may answer.  
 8 A No.  
 9 Q Do you know whether he ever kept them?  
 10 A I don't.  
 11 Q Do you know physically where he kept them  
 12 in the office?  
 13 A I don't even know if he kept them.  
 14 Q I'm going to give you what's been  
 15 previously marked as Exhibit 3.  
 16 (Handing.)  
 17 A Should I review all of them or just the top  
 18 page?  
 19 Q Yes. Take as much time as you need to  
 20 review the whole packet.  
 21 (Witness reviewing document.)  
 22 A Okay. Through reviewing.  
 23 Q Do you recognize what's been marked as  
 24 Exhibit 3?  
 25 A Yes.

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1 LOUIS VECCHIA  
 2 Q What do you recognize it to be?  
 3 A Driver's weekly time sheet.  
 4 Q Have you ever seen these before?  
 5 A These particular ones?  
 6 MS. GOLDBERG: I'll rephrase the question.  
 7 Q Have you ever seen this form before; aside  
 8 from the actual writing on it, have you seen this form  
 9 before?  
 10 MR. ZABELL: I object to the form of the  
 11 question.  
 12 You may answer.  
 13 A Yes, I have seen this form prior.  
 14 Q When have you seen it?  
 15 A I believe the drivers used to hand them in,  
 16 the truck drivers from Cross Island Industries.  
 17 Q Was it only drivers from Cross Island  
 18 Industries who would use these forms?  
 19 A That's what I thought, yes.  
 20 Q Did Suffolk Paving use this form?  
 21 MR. ZABELL: Objection to the form.  
 22 You may answer.  
 23 A I think at one point in the beginning of  
 24 Suffolk Paving's existence, these forms were created  
 25 for the drivers at Suffolk Paving. I believe, I'm not

1 LOUIS VECCHIA  
 2 a hundred percent sure, but I believe.  
 3 Q Did you use this form 2005 through 2009?  
 4 MR. ZABELL: Objection to the form.  
 5 You may answer.  
 6 A For the drivers, yes.  
 7 Q Do you still use them today?  
 8 A I believe they do.  
 9 Q So you've never stopped using them?  
 10 MR. ZABELL: Objection to the form.  
 11 You may answer.  
 12 A Never stopped using them for the drivers,  
 13 no.  
 14 Q I'll ask you to look at the first page of  
 15 Exhibit 3, which is P 1006; do you see that page?  
 16 A P 1006, yes.  
 17 Q There is various individuals' names that  
 18 are listed.  
 19 Do you see the name Kevin?  
 20 A Yes, bottom left, yes.  
 21 Q Do you know which Kevin that's referring  
 22 to?  
 23 A No idea.  
 24 Q Have you employed more than one Kevin?  
 25 MR. ZABELL: Objection to the form.

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1 LOUIS VECCHIA  
 2 You may answer.  
 3 A Possibly.  
 4 Q Was Kevin Galeano a driver for Suffolk  
 5 Paving?  
 6 MR. ZABELL: Objection to the question.  
 7 You may answer.  
 8 A Kevin Galeano. I don't know.  
 9 Q Was Maynor Fajardo a driver for Suffolk  
 10 Paving?  
 11 A No.  
 12 Q Was Lerly Noe Rodriguez a driver for  
 13 Suffolk Paving?  
 14 A Are we referring to this sheet or --  
 15 Q Now I'm just asking you the question.  
 16 A We're off the sheet, the sheet's done,  
 17 okay.  
 18 (Pause.)  
 19 A Lerly, as we indicated earlier, was a  
 20 roller operator for . . . I believe Suffolk Paving  
 21 first and now -- and from what time I don't know -- he  
 22 works for my son.  
 23 Q Was he ever a driver for Suffolk Paving?  
 24 A For Suffolk Paving, I'm not sure.  
 25 Q Was Jose Martinez ever a driver for Suffolk



1 LOUIS VECCHIA

2 Paving?

3 A I'm not sure I know who Jose Martinez is.

4 Q Did you receive these forms -- again, I'm  
5 not talking about these specific forms, I'm talking  
6 about the form, itself, just the form, itself -- did  
7 you receive these forms on a regular basis?

8 MR. ZABELL: Objection to the form.

9 You may answer.

10 A From who?

11 MR. ZABELL: Remember, she's not under  
12 oath, you don't get to ask her questions.

13 THE WITNESS: Repeat the question, please.

14 (The pending question was read.)

15 A The forms in this exhibit?

16 MR. ZABELL: She's not under oath, you  
17 don't get --

18 A I don't know.

19 Q Looking at Exhibit 3 simply for the form,  
20 not for the specific content that's written in Exhibit  
21 3, but just for the format, was this form given to you  
22 on a regular basis by anybody?

23 MR. ZABELL: Objection to the form of the  
24 question.

25 You may answer.

1 LOUIS VECCHIA

2 A I believe -- and I'm not a hundred  
3 percent -- that these forms came from the drivers and  
4 given to Tommy for Cross Island Industries.

5 Q Was Thomas McEvilly involved in overseeing  
6 the hours for the plaintiffs -- for the workers at  
7 Cross Island Industries?

8 MR. ZABELL: Objection to the form of the  
9 multiple questions.

10 If you can, you may answer.

11 THE WITNESS: Repeat the question again,  
12 please.

13 MS. GOLDBERG: Would you mind just reading  
14 it back, please?

15 (The pending question was read.)

16 MR. ZABELL: Same objection.

17 A Yeah, I believe that the weekly driver  
18 sheets would be given to Thomas from the drivers.

19 Q Now looking at Exhibit 3, these specific  
20 forms, including the actual writing on these forms, are  
21 these for Suffolk Paving employees or are these for  
22 Cross Island Industries employees?

23 MR. ZABELL: Objection to the form of the  
24 multiple questions.

25 A Like I said, I believe I repeated that

1 LOUIS VECCHIA

2 prior.

3 Initially when Suffolk Paving was  
4 developed, if you recall, we made -- somebody -- and I  
5 don't know who -- made these weekly driver sheets for  
6 Suffolk Paving. After Suffolk Paving I believe came  
7 Cross Island and we put the trucks in Cross Island's  
8 name and the drivers would hand in these sheets for  
9 Cross Island.

10 Q Are the individuals listed on the first  
11 page of Exhibit 3 the names on the left-hand column --  
12 can you please read -- can you read the names of the  
13 employees listed?

14 MR. ZABELL: Are you withdrawing --

15 MS. GOLDBERG: Yes, I'll withdraw the first  
16 part of that question.

17 Q Can you please identify the employees  
18 listed on Exhibit 3?

19 A One says Renato; one says Carlos; one says  
20 Marcos; one says, I'm not sure, Ronal; one says Mario  
21 and one says Kevin.

22 Q Were the employees listed on this first  
23 sheet employees of Suffolk Paving?

24 A No idea.

25 Q Were they employees of Cross Island

1 LOUIS VECCHIA

2 Industries?

3 A No idea, but I believe not.

4 Q The individuals listed on the second page,  
5 were those individuals employees of Suffolk Paving?

6 A Couldn't tell you.

7 Q Were they employees of Cross Island  
8 Industries?

9 A Couldn't tell you, but I don't believe so.

10 Q I'd like to return to Exhibit 2.

11 (Hanging.)

12 (Witness reviewing document.)

13 A Go ahead.

14 Q Correct me if I'm wrong, did you say that  
15 Thomas McEvilly gave you these forms earlier in your  
16 testimony?

17 MR. ZABELL: Objection to the form of the  
18 multiple questions.

19 To the extent you can, you can, you may  
20 answer.

21 A Thomas would give me these forms, like I  
22 indicated earlier, on Thursdays.

23 Q Why did he give them to you on Thursdays?

24 A To review them, make sure he didn't make a  
25 mistake, make sure everything is accurate and just, you



1 LOUIS VECCHIA  
2 know, two eyes -- four eyes are better than two.  
3 Q Is this the form that was used for all  
4 Suffolk Paving employees?  
5 A This particular form says Suffolk Asphalt.  
6 Do you mean Suffolk Asphalt or do you  
7 mean --  
8 Q Suffolk Paving.  
9 A Suffolk Paving.  
10 (Pause.)  
11 A I believe all the companies, the sheets are  
12 very similar.  
13 Q Are there sheets -- withdrawn.  
14 Looking at Exhibit 2, who is this time  
15 sheet for?  
16 A I believe this is Lerly. Noe. That's what  
17 they call him for short.  
18 Q For what period of time was this time sheet  
19 for?  
20 A It's indicating from the time sheet in  
21 Plaintiff's Exhibit 2 that it's -- it appears to be  
22 from 10/8/2009 to 10/14/2009.  
23 Q Was Lerly working for Suffolk Paving during  
24 that time?  
25 A It's possible.

1 LOUIS VECCHIA  
2 Q Is this his time sheet for that time  
3 period?  
4 A It's possible.  
5 Q Did you keep these forms, again, now I'm  
6 not referring to the specific information on Exhibit 2,  
7 I'm referring to the form, itself, did you keep these  
8 forms?  
9 MR. ZABELL: Objection to the form of the  
10 question.  
11 You may answer.  
12 A You know, I... I believe we would for a  
13 certain period of time, sure.  
14 Q For what period of time did you --  
15 A That I don't know. Once they go to -- let  
16 her ask me the questions.  
17 Q Did you store this information in any  
18 computer at Suffolk Paving?  
19 A That I don't know. I'm not very computer  
20 literate, so... in fact, I don't like the things.  
21 Q Did you keep a hard copy of these forms?  
22 A That I don't know.  
23 Q After you reviewed them, what did you do  
24 with them?  
25 A I brought them to my wife.

1 LOUIS VECCHIA  
2 Q What did she do with them at that point?  
3 A Hopefully she'd create payroll or we would  
4 have no employees.  
5 Q What did she do after creating payroll with  
6 these exhibits, these forms?  
7 A That I don't know.  
8 Q Did you know that you -- withdrawn.  
9 Do you have any written retention policy  
10 regarding the time records for employees at Suffolk  
11 Paving?  
12 MR. ZABELL: Objection to the form.  
13 You may answer.  
14 A Could you explain to me that question, I'm  
15 sorry, I --  
16 MR. ZABELL: She could explain to you, but  
17 she's not under oath and you're not bound --  
18 A I don't understand the question.  
19 Q Do you understand the word "retention"?  
20 A To retain.  
21 Q Do you have any written policies regarding  
22 how long certain time records should be kept for  
23 Suffolk Paving?  
24 MR. ZABELL: Objection to the form.  
25 You may answer.

1 LOUIS VECCHIA  
2 A I don't know.  
3 Q Have you ever had such a written policy  
4 regarding the retention of such documents?  
5 MR. ZABELL: Objection to the form.  
6 A I don't know.  
7 Q Do you currently have the time records for  
8 Suffolk Paving for 2005?  
9 MR. ZABELL: Objection to the form.  
10 You may answer.  
11 A I don't know.  
12 Q Do you currently have the time records for  
13 Suffolk Paving for 2006?  
14 A I don't know.  
15 Q Do you currently have the time records for  
16 the employees of Suffolk Paving for 2007?  
17 A I don't know. I would imagine.  
18 Q Do you currently have the employee time  
19 records for employees of Suffolk Paving for 2008?  
20 THE WITNESS: Currently?  
21 MR. ZABELL: I can't help you.  
22 A Yeah. You know, I don't know.  
23 Q Do you currently have -- withdrawn.  
24 If you had them, where would they be?  
25 A No idea.

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1 LOUIS VECCHIA  
 2 Q Aside from Exhibit 2, was there any other  
 3 form you used to record plaintiffs' hours?  
 4 MR. ZABELL: Objection to the form of the  
 5 question. Objection to the characterization of  
 6 the testimony.  
 7 You may answer.  
 8 THE WITNESS: Repeat the question, please.  
 9 MS. GOLDBERG: JoAnn, would you mind please  
 10 reading it back?  
 11 (The pending question was read.)  
 12 A No. Excuse me, for payroll?  
 13 (The pending question was read.)  
 14 (Pause.)  
 15 A Is there any other form?  
 16 (Pause.)  
 17 A Sometimes I would just jot them down in a  
 18 book in my truck, just to memorize, you know, try to  
 19 help my memory for a prior week.  
 20 Q Aside from those notes that you're now  
 21 describing, are there any other forms or documents that  
 22 you would use to record plaintiffs' hours?  
 23 A No.  
 24 Q How often would you make some type of note  
 25 about plaintiffs' hours?

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1 LOUIS VECCHIA  
 2 A It depends on my week, where I am, who I  
 3 talk to and how busy we are. It all varies.  
 4 Q On average, would you say that you made a  
 5 note about plaintiffs' hours once a week?  
 6 A No, my memory's a lot better than that.  
 7 Q On average, would you say you made a note  
 8 once a month about plaintiffs' hours?  
 9 A Sometimes.  
 10 Q Did you hand write those notes?  
 11 A Yes.  
 12 Q What would you do with those notes?  
 13 A Just use them in case I had to reflect back  
 14 if there was a situation where somebody was short an  
 15 hour or a half hour or a day.  
 16 Q Where did you keep those notes?  
 17 A In the daily agenda book (indicating).  
 18 Q Is that true for 2005 through 2009?  
 19 A Yes.  
 20 Q Is that true to the present as well?  
 21 A Yes.  
 22 Q Do you retain those notes?  
 23 A Not really that organized. Once the year  
 24 is up, it could be in a box in my garage, in a truck,  
 25 but the only one I know I have is this year's.

1 LOUIS VECCHIA  
 2 Q What else did you keep in the daily agenda  
 3 book?  
 4 A Where I had to go, what I had to do. Maybe  
 5 if I'm on a job, a change order if I'm talking to  
 6 somebody and we're doing more work than we're supposed  
 7 to and I have to go back to the office, tell somebody  
 8 that hey, we need to bill this or do this or whatever.  
 9 Q Did Cross Island Industries use the same  
 10 time records that Suffolk Paving did?  
 11 A Meaning the same sheets as Exhibit 2?  
 12 MR. ZABELL: Remember, you don't get to ask  
 13 questions.  
 14 A I believe they did.  
 15 MR. WALLACE: Should we break for lunch,  
 16 what's a good time?  
 17 MS. GOLDBERG: Off the record.  
 18 (Discussion off the record.)  
 19 Q Do you have multiple jobs going on  
 20 simultaneously on any one day?  
 21 MR. ZABELL: Objection to the form.  
 22 You may answer.  
 23 A Sure.  
 24 Q Is that true from 2005 to the present?  
 25 A I can't answer from that far back because

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1 LOUIS VECCHIA  
 2 it's a little too far back for me to remember, but it  
 3 could be possible.  
 4 Q Do you -- withdrawn.  
 5 What percentage of your time is spent at  
 6 job sites during the day?  
 7 MR. ZABELL: Objection to the form.  
 8 You may answer.  
 9 A Honestly, that varies. I can't give you an  
 10 honest answer. I could spend all day on one specific  
 11 job, I could spend two hours on a job, I could come up  
 12 to a job at the end of the day, I could be on a job in  
 13 the morning, it varies. I can't give you an accurate  
 14 description of timing on that because I'm all over the  
 15 place.  
 16 Q Do you travel to the end -- withdrawn.  
 17 Do you travel to each work site at the end  
 18 of each day?  
 19 MR. ZABELL: Objection to the form.  
 20 You may answer.  
 21 A I try to. Sometimes I do it on Saturdays  
 22 and Sundays, also. My kids aren't fond of me, but  
 23 that's what I do.  
 24 MR. ZABELL: That's all right, I am.  
 25 Q Is that true from 2005 to the present in

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1 LOUIS VECCHIA  
 2 terms of how you would spend your day?  
 3 A That's my --  
 4 MR. ZABELL: Objection to the form.  
 5 A That is my work ethic. Except for today.  
 6 MR. ZABELL: Off the record.  
 7 (Discussion off the record.)  
 8 Q In 2005, can you tell me what percentage of  
 9 time you spent going to work sites?  
 10 A In 2005?  
 11 Q Yes.  
 12 (Pause.)  
 13 A No, I couldn't even begin to think, I'm  
 14 sorry.  
 15 Q During 2005, were you spending all day at a  
 16 work site every day?  
 17 A There were days that I -- I'm sure I did.  
 18 I don't know how many days those were, I don't know how  
 19 many days in a week, I don't know how many days in a  
 20 month.  
 21 Q Were there days that you traveled from work  
 22 site to work site?  
 23 MR. ZABELL: Objection to the form.  
 24 You may answer.  
 25 A I answered that already for you, but yes.

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1 LOUIS VECCHIA  
 2 Q So that's the same for 2005 to the present,  
 3 would that be accurate?  
 4 A That would be accurate.  
 5 Q How would you know when plaintiffs finished  
 6 working at the end of the day?  
 7 MR. ZABELL: Objection to the form.  
 8 You may answer.  
 9 A I'd get my radio, I'm in communication with  
 10 somebody, whether it's a driver, you know, my cousins,  
 11 they all drive, they'll tell me we're done, you know,  
 12 we're done, okay, good. Make a mental note, move on.  
 13 How did the job come out, good, okay; bad, we had a  
 14 problem. You know, it varied.  
 15 Q Was there a person at each work site that  
 16 was responsible for noting the time in which the  
 17 plaintiffs finished work?  
 18 MR. ZABELL: Objection to the form.  
 19 You may answer.  
 20 A It varies. It varies. Some jobs -- it  
 21 just varies.  
 22 Q Can you explain to me how it varies?  
 23 A Different ways, shapes and forms, different  
 24 municipalities. There's actually sign-in sheets and  
 25 then there's inspectors on the job keeping time of

1 LOUIS VECCHIA  
 2 those sign-in sheets.  
 3 (Pause.)  
 4 A There's many ways to -- there's many ways  
 5 to figure out the timing.  
 6 Q When you were doing private jobs, was there  
 7 a person who was responsible for noting the time that  
 8 plaintiffs finished working at the end of the day?  
 9 A It varied.  
 10 Q How did it vary?  
 11 A Different days, different times, different  
 12 people.  
 13 Q Which people were responsible for noting  
 14 the times that the plaintiffs stopped working?  
 15 MR. ZABELL: Objection to the form.  
 16 You may answer.  
 17 A Christopher would keep track, I would keep  
 18 track. I would -- Tommy would retain and store some of  
 19 it.  
 20 (Pause.)  
 21 A Basically like I said, at the end of the  
 22 day, a truck driver or someone would say we're done.  
 23 Q How would Christopher keep track?  
 24 A He would . . . I think he would . . . he  
 25 would either call Tommy or he'd call me, he could

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1 LOUIS VECCHIA  
 2 have -- I think just either those two or himself at the  
 3 end of the week, maybe Tommy would call and say you  
 4 know, hey, any of your guys have any overtime, you  
 5 know; what was your, you know, week like, day like, you  
 6 know.  
 7 Q Has it been the same from 2005 to present?  
 8 A Well, not for Christopher because -- yeah,  
 9 Christopher helped out back then, too. Yeah, pretty  
 10 much.  
 11 Q Did Christopher keep any notes regarding  
 12 the plaintiffs' hours?  
 13 MR. ZABELL: Objection to the form.  
 14 You may answer.  
 15 A That I don't know, you'll have to ask  
 16 Christopher.  
 17 Q Aside from the notes that you talked about  
 18 being the daily agenda book, did you make any further  
 19 notes regarding plaintiffs' hours?  
 20 MR. ZABELL: Objection to the form.  
 21 You may answer.  
 22 A I don't understand the question.  
 23 Did you make any other notes to the  
 24 plaintiffs' what?  
 25 MS. GOLDBERG: JoAnn, would you mind

1 LOUIS VECCHIA  
2 reading back the question?  
3 (The pending question was read.)  
4 MR. ZABELL: You're asking him if he has or  
5 if he made?  
6 A Yeah, I'm a little confused with the  
7 question, maybe you could explain a little better,  
8 please.  
9 Q Aside from those that you've already  
10 mentioned, did you have any other records or notes  
11 regarding plaintiffs' hours?  
12 THE WITNESS: Can I ask a question?  
13 MR. ZABELL: No.  
14 A I don't understand the question, sorry.  
15 Q I'm going to show you what's been marked as  
16 Exhibit 4.  
17 (Handing.)  
18 (Witness reviewing document.)  
19 Q Do you recognize it -- I'm sorry, take your  
20 time to review it --  
21 A Don't be sorry, it's okay.  
22 (Witness reviewing document.)  
23 A Plaintiff's Exhibit 4 I have identified.  
24 Q Can you tell me what it is?  
25 A It looks like a pay stub for a one Lerly

1 LOUIS VECCHIA  
2 Rodriguez.  
3 Q For what time period?  
4 A It says from pay period 10/08/2009 to  
5 10/14/2009.  
6 Q Is this the payroll record for Suffolk  
7 Paving and again, I'm actually not referring to the  
8 actual information on this, but referring to the form,  
9 itself?  
10 MR. ZABELL: I'm going to object to the  
11 form of the question.  
12 You can answer.  
13 A Yes, yeah, you have to -- it clearly states  
14 above Suffolk Asphalt and you're asking Suffolk Paving.  
15 MR. ZABELL: Don't help her out, just  
16 answer her questions.  
17 THE WITNESS: All right, sorry.  
18 A No, it doesn't.  
19 Q Does Suffolk Paving's payroll look similar  
20 to Exhibit 1?  
21 MR. ZABELL: Objection to the form.  
22 MS. GOLDBERG: Exhibit 4. My mistake, I  
23 apologize.  
24 MR. ZABELL: So you're withdrawing --  
25 MS. GOLDBERG: Yes, let me withdraw the

1 LOUIS VECCHIA  
2 question and restate the question.  
3 Q Is Suffolk Paving's payroll records similar  
4 to Exhibit 4?  
5 A I don't know.  
6 Q Does Suffolk Paving have its own payroll?  
7 A Yes.  
8 Q Do you know what the payroll record looks  
9 like?  
10 A For Suffolk Paving?  
11 (Pause.)  
12 A No, I pretty much just sign the check. I  
13 don't know what the rest of it looks like.  
14 Q So Exhibit 4 -- and now I'm actually  
15 talking about the specific exhibit with the  
16 information -- it's your testimony that Exhibit 4 is  
17 not a Suffolk Paving payroll record?  
18 A You're asking me that question?  
19 Q Yes.  
20 A Yeah. This is not a Suffolk Paving . . .  
21 this has nothing to do with Suffolk Paving.  
22 Q Do you know how these forms are created and  
23 I'm referring to Exhibit 4, the form, itself?  
24 A No, no idea.  
25 Q Do you know who creates Exhibit 4?

1 LOUIS VECCHIA  
2 A It looks like it's called  
3 safeguard.lithousa on the bottom here.  
4 Q Have you kept the payroll records for  
5 Suffolk Paving?  
6 MR. ZABELL: Objection.  
7 You may answer.  
8 A Have I kept the payroll records for Suffolk  
9 Paving?  
10 (Pause.)  
11 A I don't . . . I don't. I don't have them.  
12 I don't -- I'm confused with the question, it's very  
13 confusing.  
14 We're talking about Exhibit 4, now you're  
15 asking me do I keep the payroll records for Suffolk  
16 Paving?  
17 Q Yes.  
18 A Are we done with this exhibit?  
19 Q Put Exhibit 4 aside.  
20 A Okay.  
21 Q Do you retain the payroll records for  
22 Suffolk Paving?  
23 MR. ZABELL: Objection to the form.  
24 You may answer.  
25 A I would imagine so.



1 LOUIS VECCHIA

2 Q How long do you keep the payroll records?

3 A No idea.

4 Q Do you keep them for more than a year?

5 MR. ZABELL: Objection. He's already  
6 testified he has no idea.

7 A Yeah, I have no idea of the time frame.

8 I would like to say we try to keep the  
9 stuff as long as we can till we run out of room.

10 Q Do you know whether payroll records for  
11 Suffolk Paving are stored on any computer at Suffolk  
12 Paving?

13 MR. ZABELL: Objection to the form.

14 A Like I indicated before, the computer stuff  
15 I don't do very well. I don't know it very well. I'm  
16 more of an out in the field work kind of guy. These  
17 questions you'll have to ask Helene.

18 Q Do you have any written policy regarding  
19 the retention of payroll records for Suffolk Paving?

20 MR. ZABELL: Objection, asked and answered.  
21 Objection to the form.

22 You can answer it again.

23 THE WITNESS: Repeat the question again,  
24 please.

25 (The pending question was read.)

1 LOUIS VECCHIA

2 MR. ZABELL: Same objection.

3 THE WITNESS: Didn't we answer this  
4 question already?

5 MR. ZABELL: Yes, we did.

6 A I don't know. I don't think so.

7 MS. GOLDBERG: I think we'll take a lunch  
8 break now.

9 (Lunch recess taken.)

10 Q Did Suffolk Paving implement any changes in  
11 the way that they kept employees' records in 2010?

12 MR. ZABELL: Objection to the form.

13 You may answer.

14 A Did they change, no.

15 Q Did Suffolk Paving change anything in 2010  
16 in regards to the payroll process that was used?

17 A No.

18 Q I'm going to show you what's been marked as  
19 Plaintiff's Exhibit 5.

20 (Handing.)

21 (Witness reviewing document.)

22 A Okay.

23 Q Do you recognize this form?

24 A No.

25 Q Have you ever seen it before?

1 LOUIS VECCHIA

2 A No. First time.

3 Q Please describe for me how a general day at  
4 Suffolk Paving works.

5 MR. ZABELL: Objection to the form of the  
6 question.

7 You may answer.

8 A How it works?

9 (Pause.)

10 A I get up real early in the morning, about  
11 4:30, I shower, I'm at the office by probably quarter  
12 after five.

13 (Pause.)

14 A And that's pretty much about it. Then I  
15 just try to get work done as best as I can. Suffolk  
16 Paving is really kind of winding down, doesn't have  
17 many employees.

18 Q How many employees does Suffolk Paving  
19 currently have?

20 A I would have to somewhere say anywhere  
21 between three and four, me being the big one.

22 Q Can you give me the names of the other  
23 individuals?

24 A Not a hundred percent sure, but myself,  
25 this is small so I can remember this one.

1 LOUIS VECCHIA

2 (Pause.)

3 A The mechanic in the back and I believe one  
4 other guy, the yard man, the guy that keeps the yard  
5 clean.

6 Q Does Suffolk Paving currently do paving  
7 jobs on a daily basis?

8 A No, not that often.

9 Q Was there a time when Suffolk Paving did  
10 paving jobs on a daily basis?

11 A Yes.

12 Q When did Suffolk Paving stop doing jobs on  
13 a daily basis?

14 A Sometime about a year ago, we started . . .  
15 started phasing out and I'm kind of hoping my son does  
16 his own thing, cross my fingers and I can move on and  
17 do other stuff.

18 Q About a year ago when you said you started  
19 phasing out, how many employees did Suffolk Paving  
20 have?

21 A Anywhere between ten and 20 over the course  
22 of the year, somewhere around there.

23 Q Did any of the workers -- withdrawn.

24 Did you fire many people when you started  
25 phasing out?



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1 LOUIS VECCHIA

2 A Did I fire anybody?

3 Well, like I said earlier, we're a seasonal  
4 company, so sometimes after the winter, you bring some  
5 guys back according to your workload and then you use  
6 who you can and you know, if you need a guy, you use  
7 him; if you don't have the work, obviously you can't  
8 use them, you know, somebody.

9 Q Are any of the -- withdrawn.

10 Did any of the employees who used to work  
11 for you now work for Christopher Vecchia?

12 A Yes, yes, quite a few of them. I think  
13 most of his guys that are working for him -- and I  
14 shouldn't say that, no, it wouldn't be fair to them.

15 (Pause.)

16 A Probably half and half, some here, you  
17 know, he brought in himself and some came from Suffolk  
18 Paving.

19 Q Do you recall the names of any of those  
20 employees?

21 A Give me the time frame again.

22 Q Well, in the last year, you said that you  
23 started phasing out.

24 A Yeah.

25 (Pause.)

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1 LOUIS VECCHIA

2 A Some of the ones from -- that were rehired  
3 this year.

4 (Pause.)

5 A The guy, Sal. I forget who else, but  
6 there's maybe three or four of them, I don't recall  
7 their names.

8 Q Between 2005 and 2009, what time did the  
9 plaintiffs arrive at work?

10 MR. ZABELL: Objection to the form.

11 A Plaintiffs?

12 Q The plaintiffs.

13 MR. ZABELL: You may answer.

14 A A typical day is eight to 4:30.

15 Q Were the plaintiffs ever required to start  
16 work prior to 8:00?

17 A On certain occasions they were, sure.

18 Q Did they sometimes start working at 5:30 in  
19 the morning?

20 A I don't know, depends on what time of the  
21 year. Some times of the year 5:30 it's dark, you can't  
22 see. Depends on the time of the year. It's possible.

23 Q Were they ever required to start working at  
24 five a.m.?

25 A The workers, no. Maybe a driver to drive a

1 LOUIS VECCHIA

2 big truck to go to the plant to get the material might,  
3 depends on where you're going.

4 Q Did the plaintiffs meet at Suffolk Paving  
5 before starting their jobs at the job sites?

6 A Rephrase that question, please.

7 Q Did the plaintiffs gather at Suffolk Paving  
8 in the morning before going to the job site?

9 MR. ZABELL: Objection to the form.

10 You may answer.

11 A Unfortunately, sometimes . . . did you say  
12 plaintiffs or workers?

13 Q Plaintiffs.

14 A Yeah.

15 (Pause.)

16 A There was a -- there was sometimes a  
17 communication gap between them, so they would stop --  
18 they wouldn't come to gather or get anything, they  
19 would come to get maps to figure out where they would  
20 have to arrive to work. They would come get like maybe  
21 a Hagstrom with highlighting the area and the roadways  
22 to get there because it was -- the communication  
23 barrier at times was very difficult.

24 Q Did the plaintiffs travel together from  
25 Suffolk Paving to the job sites?

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1 LOUIS VECCHIA

2 MR. ZABELL: Objection to the form.

3 You may answer.

4 A Yes, sometimes they would, yes.

5 Q Did the plaintiffs ever go directly to the  
6 job site?

7 MR. ZABELL: Objection to the form.

8 A Yes, yes.

9 Q Did the plaintiffs ever work past 6:30  
10 p.m.?

11 MR. ZABELL: Objection to the form.

12 A They might have on occasion.

13 Q Did they ever work past seven p.m.?

14 A I don't know.

15 MS. GOLDBERG: JoAnn, I'm going to mark  
16 this as our next exhibit.

17 (Plaintiff's Exhibit 16, copy of Suffolk  
18 Asphalt Corp. Weekly Time Sheet NOE Bates stamped  
19 Def. Exh. A 000990 and attached pay stub Bates  
20 stamped Def. Exh. A 000991, was marked for  
21 identification. Exhibit retained by counsel.)

22 (Handing.)

23 (Witness reviewing document.)

24 Q Have you had an opportunity to review  
25 what's been marked as Plaintiff's Exhibit 16?

1 LOUIS VECCHIA  
2 A Yes, I have.  
3 MS. GOLDBERG: Exhibit 16 for the record is  
4 two pages, the first page is noted as Def. Exh. A  
5 000990, the second page is Def. Exh. A 000991.  
6 Q Can you please first identify for me what  
7 page one of Exhibit 16 is?  
8 A Page one, it looks like a Suffolk Asphalt  
9 Corp. weekly time sheet.  
10 Q For what individual?  
11 A Lerly Rodriguez.  
12 Q For what time period?  
13 A 4/9/09 to 4/15/09.  
14 Q What is the second page of Exhibit 16?  
15 A The second page is a Suffolk Asphalt Corp.  
16 payroll sheet, one of those pay stubs.  
17 Q For who?  
18 A Lerly Rodriguez.  
19 Q For what time period?  
20 A 4/9/2009 to 4/15/2009.  
21 Q I'd ask you to look on the front, the first  
22 page.  
23 Do you see the number eight that's been  
24 written somewhat in the middle of the page?  
25 A Yes, eight, yes.

1 LOUIS VECCHIA  
2 Q From what other company are you referring?  
3 A It's either Suffolk Paving or cash. I'd  
4 have to look back to figure that out.  
5 Q Do you have any documents that would  
6 indicate whether you paid Lerly Noe Rodriguez another  
7 payment for this week?  
8 A There's probably another sheet somewhere,  
9 probably there's something somewhere indicating that he  
10 got paid for those hours that he got there because  
11 there's no way he would let me get away with it.  
12 Q What would those other sheets be?  
13 A It might have just been a written note or  
14 like I said, I might have just paid him cash for these  
15 jobs.  
16 Q If you paid him cash for these jobs, did  
17 you record it anywhere?  
18 A Yes.  
19 Q Where did you record it?  
20 A Sometimes I would record them actually on  
21 these sheets, themselves.  
22 Q Were there times when you didn't record it  
23 on the sheets --  
24 A Other times I would just have him sign  
25 something that he received it.

1 LOUIS VECCHIA  
2 Q Is that your handwriting?  
3 A Yes, it is.  
4 Q Can you tell me what is written next to the  
5 eight?  
6 A A check mark.  
7 Q Is there a letter that appears next to the  
8 eight?  
9 A That I believe is regular.  
10 Q How is it that you came to write the number  
11 eight on this time sheet?  
12 A He worked on a job that was union and he  
13 got paid for the eight hours for the union jobs --  
14 union job.  
15 Q Why did you note a different number than  
16 what's totaled on the sheet?  
17 MR. ZABELL: Objection to the form of the  
18 question and objection to the characterization of  
19 the evidence.  
20 You may answer.  
21 A The -- and I believe and I don't know for  
22 sure that this might have been a Suffolk Paving job and  
23 what might have happened is I either paid him cash or I  
24 paid him from the other company. Him . . . from the  
25 other.

1 LOUIS VECCHIA  
2 Q Aside from a document that you have him  
3 sign or writing it on the sheet, is there any other way  
4 in which you'd record a cash payment?  
5 A For this time frame, I don't know, but  
6 there are some books that I would write in, yes. The  
7 whatchamacallit book, agenda books. Not agenda, daily  
8 . . . whatever those books are, something like that  
9 where it has a calendar in it (indicating). Like an  
10 agenda book, calendar.  
11 MR. ZABELL: Daily journal?  
12 THE WITNESS: Yes, exactly.  
13 Q Have you looked for those calendars,  
14 agendas, what you just referred to, during the course  
15 of this lawsuit?  
16 A No.  
17 Q Do you still have them?  
18 A I could probably find them. I have to look  
19 hard.  
20 Q Where do you think they are?  
21 A They could be in the garage at my son's  
22 house, they could be at the office, they could be at my  
23 garage, they could be in a box of stuff when I clean  
24 out a car usually at the end of the year. Usually the  
25 ones I get have a leather with a zipper, so, you know .

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LOUIS VECCHIA

Q During the course of this lawsuit, did you look at any of those locations that you just mentioned?

A No, I didn't bother.

Q Approximately how many times do you think you gave cash payments to Lerly Noe Rodriguez from 2005 to 2009?

A It depends on the jobs. I mean some of these jobs I targeted with the union -- the union company targeted these jobs and instead of it going to nonunion companies, we would do partially, you know, some of it each way so that we could, you know, get the work, so ...

Q Can you estimate for me how many times a year you would give Lerly Noe Rodriguez cash payments?

A Once I find the books, I'll tell you exactly.

Q As you sit here today, do you have any recollection as to the approximate number of times?

A No.

Q Could it be more than 50?

A A year?

Q A year.

A No. No, we don't work 50 weeks a year. It

LOUIS VECCHIA

Q Did you keep those documents?

A I hope so.

Q Do you know where they are?

A No.

Q Do you know where they were kept?

A No.

Q Was that from 2005 to the present?

A I don't know the years.

Q Do you have payroll records from Suffolk Paving for any of the plaintiffs currently?

MR. ZABELL: Objection to the form.

They were provided in discovery with all documents you requested. I don't know what you're asking for.

MS. GOLDBERG: Well, during the course of his testimony, it's become apparent that there were locations that were not searched and that actually there are various documents outstanding, so I think it's now important to directly address Mr. Vecchia about certain documents and whether they exist or not.

MR. ZABELL: I disagree with your characterization. Go ahead, ask your questions. Just make sure they're clear.

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LOUIS VECCHIA

could be -- if you want me to narrow it down for you, it could be anywhere from ... maybe 25.

Q So approximately 25 times a year, you would give Lerly cash payments?

A Yes.

Q Is that true for all years from 2005 to 2009?

A That I couldn't answer, I'd have to look back to give you an accurate answer.

Q Well, when you just gave me the approximate number of 25, what year were you referring to?

A That was probably 2008, 2009.

Q Do you have any reason to believe that the years prior were different?

A No, I really don't know, I'd have to look.

Q Is there any other record that you at any time possessed regarding the cash payments that you gave to Lerly Noe Rodriguez?

MR. ZABELL: Objection to the form. You can answer.

A There should be -- usually we had the guy sign some papers that they were paid for all the hours they worked. Like once or twice a year we would make sure that we had them sign it.

LOUIS VECCHIA

A What's the question, sorry?

Q Do you have any payroll records for any of the plaintiffs for Suffolk Paving from 2005 to the present in your current possession?

MR. ZABELL: Other than what's already been turned over in discovery?

A Yeah, I mean I don't know. Maybe, I don't know.

Q Well, I'd ask you to look at Exhibit 4.

(Handing.)

(Witness reviewing document.)

A Okay.

Q Do you currently have any Suffolk Paving payroll records such as what's in Exhibit 4 for any of the plaintiffs at Suffolk Paving?

MR. ZABELL: Objection to the form.

Are you finished asking the question?

MS. GOLDBERG: Yes.

MR. ZABELL: I object to the form of the question.

You can answer.

A I don't know. I mean I thought we provided everything that we had.

MR. ZABELL: We did.

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1 LOUIS VECCHIA  
 2 Q Did you ever give Alejandro Amaya cash  
 3 payments?  
 4 A I don't know, I'd have to check.  
 5 Q What would you check to find out whether  
 6 you had ever given cash payments to Alejandro Amaya?  
 7 A Right here (indicating). Payroll sheets.  
 8 One of these sheets similar to this.  
 9 Q You're referencing Exhibit 16?  
 10 A Yeah.  
 11 Q The first page of Exhibit 16?  
 12 A Yeah. Well, one similar to this, you know,  
 13 similar to it.  
 14 Q Did you ever give cash payments to Alex  
 15 Amir Arevalo?  
 16 A I don't know.  
 17 Q Did you ever give cash payments to Maynor  
 18 Fajardo?  
 19 A Oh, yeah.  
 20 Q Approximately how many times did you give  
 21 cash payments to Maynor Fajardo?  
 22 A I couldn't answer honestly, but . . . in  
 23 loans or for pay, which one, which one are you  
 24 referring to, in a loan --  
 25 MR. ZABELL: You don't get to ask her

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1 LOUIS VECCHIA  
 2 questions.  
 3 A Go ahead, ask the question again.  
 4 Q How many times did you give Maynor Fajardo  
 5 cash payments for his payroll?  
 6 MR. ZABELL: Maynor Fajardo.  
 7 A Is that Renato?  
 8 MR. ZABELL: She's not under oath. She  
 9 could be lying to you.  
 10 A I don't know.  
 11 Q Do you know Maynor Fajardo as any other  
 12 name?  
 13 A I always thought that it was Renato.  
 14 Q How many times did you give cash payments  
 15 to Maynor Fajardo, also known as Renato, for payroll  
 16 purposes?  
 17 MR. ZABELL: I'll object to the form.  
 18 A Approximately 25 to 40 times a year.  
 19 Q Is that true for 2005 to 2009?  
 20 A Well, there was one year where he went  
 21 missing for about six months, yeah, so figure about  
 22 three and a half years or four and a half.  
 23 Q Do you have any record of the cash payments  
 24 that you gave to Maynor Fajardo for his payroll?  
 25 A I'd have to look for those.

1 LOUIS VECCHIA  
 2 Q Where would you look for those?  
 3 A Same places I was going to look for the  
 4 others, in my agenda book and if I look at one of these  
 5 sheets for whatever it is, I can tell you exactly off  
 6 of that what I did and I also documented it and had him  
 7 sign something.  
 8 Q What did you have him document?  
 9 A What did I have him document, nothing.  
 10 Q Well, a minute ago you said you had him  
 11 sign something.  
 12 A Sign something, yeah.  
 13 Q Was it a form that you had him --  
 14 A Yes, it was basically that he would -- you  
 15 know, he had been paid for all his, you know, hours.  
 16 Q Can you describe for me what was on the  
 17 sheet that he would sign?  
 18 A Oh, no, I'm sorry.  
 19 (Pause.)  
 20 A I don't . . . I don't know exactly what it  
 21 looks like.  
 22 Q Was it a form where there was printed words  
 23 on it?  
 24 A I don't know what it was. It was basically  
 25 relating to that he had been paid for his time and the

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1 LOUIS VECCHIA  
 2 hours and the amount of money that he should have  
 3 gotten.  
 4 Q Was it a handwritten --  
 5 A No, I think it was printed and he had  
 6 signed it.  
 7 Q Was there a title at the top of the  
 8 document?  
 9 A I don't recall the document.  
 10 Q Did that document exist from 2005 to the  
 11 present?  
 12 A To the present?  
 13 Q Yes.  
 14 A No.  
 15 Q When did you create that form?  
 16 A Sometime in 2007 to 2009 or 2006 to 2009,  
 17 something like that.  
 18 Q Prior to the time that you had that form,  
 19 how would you record cash payments that you gave to any  
 20 of the plaintiffs for payroll?  
 21 A Via my agenda book or from the weekly time  
 22 sheets.  
 23 Q Is there any other place where those would  
 24 have been recorded?  
 25 A Not that I know of.



1 LOUIS VECCHIA  
 2 Q Did you give Walter Garcia any cash  
 3 payments?  
 4 A Yes.  
 5 Q Approximately how many times did you give  
 6 Walter Garcia cash payments?  
 7 A Probably the same amount as Lerly; 24, 25.  
 8 Q Is that for all of 2005 through 2009?  
 9 A I don't know the exact time frames, I have  
 10 to look back.  
 11 Q Did you -- withdrawn.  
 12 How did you record any cash payments that  
 13 you gave to Walter Garcia?  
 14 A Via the weekly time sheets, via my agenda  
 15 book.  
 16 Q Did you ever give cash payments to Jose  
 17 Martinez?  
 18 A I don't know because I don't really recall  
 19 Jose Martinez.  
 20 Q Did you ever give cash payments to Pracelis  
 21 Mendez?  
 22 A Oh, yes.  
 23 Q Approximately how many times did you give  
 24 Pracelis Mendez cash payments for payroll?  
 25 A Same as Renato, the . . .

1 LOUIS VECCHIA  
 2 Q Is that the same for the entire period 2005  
 3 to 2009?  
 4 MR. ZABELL: Objection to the form.  
 5 You may answer.  
 6 A I can't answer that accurately.  
 7 Q Were there some years that you gave less  
 8 than 25 payments?  
 9 MR. ZABELL: Objection to the form.  
 10 A There might have been, I don't know for  
 11 sure.  
 12 Q Were there some years between 2005 and 2009  
 13 that you gave him fewer than ten cash payments?  
 14 A I couldn't answer that.  
 15 Q Were there some years between 2005 and 2009  
 16 that you did not give Pracelis Mendez any cash  
 17 payments?  
 18 A No, I'm sure I did.  
 19 Q How did you record the cash payments that  
 20 you gave to Pracelis Mendez?  
 21 A Either off the weekly time sheets or out of  
 22 the agenda book.  
 23 Q The agenda book that you've been referring  
 24 to, did you have one agenda book per year?  
 25 A Yeah, pretty much I would clean out all my,

1 LOUIS VECCHIA  
 2 you know, construction stuff from the winter and you  
 3 know, get a new book come January, February, you know,  
 4 for the new year.  
 5 Q Did you physically keep the same agenda  
 6 book, but remove the papers at the end of the year or  
 7 did you buy another --  
 8 MR. ZABELL: I'm going to object to the  
 9 form of the question, to the compound nature of  
 10 the question.  
 11 You may pick a question and provide an  
 12 answer to it.  
 13 THE WITNESS: Repeat the question, please.  
 14 (The pending question was read.)  
 15 MS. GOLDBERG: I hadn't finished my  
 16 question before Mr. Zabell objected. I'll  
 17 rephrase the question anyway.  
 18 MR. ZABELL: So you're withdrawing it?  
 19 MS. GOLDBERG: Yes, I'm withdrawing the  
 20 question.  
 21 Q Did you have more than one daily agenda  
 22 book?  
 23 A More than one?  
 24 Q More than one.  
 25 A Each year? I don't -- no, I don't . . . I

1 LOUIS VECCHIA  
 2 can't answer that question, you got to explain it a  
 3 little better.  
 4 Q Did you buy a new agenda book each year?  
 5 MR. ZABELL: Are you withdrawing the  
 6 previous question?  
 7 MS. GOLDBERG: The question stands, he gave  
 8 a response. I'm now asking the next question.  
 9 A Did every year I would get a new agenda  
 10 book?  
 11 MS. GOLDBERG: Off the record.  
 12 (Discussion off the record.)  
 13 (The pending question was read.)  
 14 A I would buy a new agenda book each year,  
 15 yes.  
 16 Q So then you had one agenda book per year --  
 17 MR. ZABELL: That is a statement to  
 18 which --  
 19 Q -- is that correct?  
 20 MR. ZABELL: Is what correct because I was  
 21 in the middle of saying what you had said was a  
 22 statement that requires no response?  
 23 MS. GOLDBERG: You didn't let me finish the  
 24 question before you jumped in.  
 25 MR. ZABELL: Well, when you have a



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LOUIS VECCHIA

three-second pause at the conclusion of what you have to say, I am going to assume throughout this deposition that you have finished what you have to say.

MS. GOLDBERG: I'm sorry that I didn't --

MR. ZABELL: Would you like to start all over again?

MS. GOLDBERG: I'm sorry that I didn't finish as quickly as you would have liked.

MR. ZABELL: I tell you what, I'm going to withdraw my objection. What I'd like for you to do is withdraw your question and start over again.

MS. GOLDBERG: I'll withdraw the question.

MR. ZABELL: And I'll give you that one because I withdrew my objection.

MS. GOLDBERG: Thanks so much, Saul.

MR. ZABELL: You're welcome.

Q Is it correct to say that you had one agenda book per year?

A Yes, it's safe to say that.

MR. ZABELL: But is it correct?

Q Where did you put your agenda book at the end of every year?

A That's the question.

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LOUIS VECCHIA

Like I said, I cleaned my truck out and I'd put -- I'd get everything out of it from the whole year, you know; vests, hard hats, measuring instruments. I usually like to try to get it as clean as I can over the winter and usually -- not usually, my wife yells at me all the time, I have boxes of, you know, like maybe 400 pens at the bottom of it, quarters, stuff that I stored in books, maybe manuals for certain pieces of equipment that I might have carried in the car during the course of the year or my truck during the course of the year, you know, so there's -- it's in one of those boxes hopefully.

MR. WALLACE: A quick break.

(Short recess taken.)

Q Did you ever give Osmar Pagoada cash payments?

A I'm not even sure who that is.

Q Did you ever give Javier Quintanilla cash payments?

A I'm not . . . I'm not really overly familiar with Javier, too.

Q Did you ever give Edvin Rivera cash payments?

A Yes.

LOUIS VECCHIA

Q Approximately how many cash payments did you give Edvin Rivera?

A Probably the same as Lerly and Walter.

Q Is that true for all the years between 2005 and 2009?

A It's close.

Q Did you ever give cash payments to Carlos Escalante?

A Yes.

Q How often did you give Carlos Escalante cash payments for payroll?

A The same as probably . . . Lerly and Walter.

Q Where did you record any cash payments that you gave to Edvin Rivera?

A Either through the daily worksheets or you know, from my agenda book.

Q Did you record the cash payments anywhere that you gave to Carlos Escalante?

A Same places.

Q Did you ever give Kevin Galeano cash payments?

A Oh, no, I don't even . . .

(Pause.)

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LOUIS VECCHIA

A Kevin is . . . I don't know -- did he work for us, I don't know how long he worked for us or me, I don't know. But no, I don't believe I did.

Q Did you ever give Jose Vega Castillo cash payments?

A He was for a short time, too, but I might have, yes.

Q Approximately how many cash payments do you think you gave him?

A I'm not sure.

Q Did you ever give Juan Quinteros cash payments?

A I'm not sure. Possibly.

Q Where, if anywhere, did you record the cash payments you gave to Jose Vega Castillo?

A If there was any cash payments, I could either find them from the daily worksheets or from the agenda book.

Q Is it fair to say that if you gave any cash payments to Juan Quinteros, it would be recorded in the two places that you've been referring to?

A Yes. I'm not too sure about him, though.

Q Did you ever give Marcos Tulio Perez cash payments?

1 LOUIS VECCHIA  
 2 A Who?  
 3 Q Marcos Tulio Perez.  
 4 A I don't know.  
 5 Q How come you gave cash payments?  
 6 A Basically on these jobs, we had to be very  
 7 competitive on the jobs and I couldn't pay . . . I had  
 8 to work a different rate out with them in order to get  
 9 the jobs.  
 10 Q Can you please explain then why you had to  
 11 give cash payments?  
 12 MR. ZABELL: Objection, asked and answered.  
 13 A Because that's what they requested.  
 14 Q When you say "they requested," who is  
 15 "they"?  
 16 A What do you call, it the plaintiffs.  
 17 Q Is it your testimony today that you gave  
 18 cash payments because the plaintiffs requested the cash  
 19 payments?  
 20 A They preferred it.  
 21 Q Did all of the plaintiffs tell you that  
 22 they preferred it?  
 23 A No.  
 24 Q Did Nelson Quintanilla tell you that he  
 25 preferred cash payments?

1 LOUIS VECCHIA  
 2 A I don't recall.  
 3 Q Did Alejandro Amaya ever tell you that he  
 4 preferred cash payments?  
 5 A I don't think I ever gave him any.  
 6 Q Did Alex Amir Arevalo ever tell you he  
 7 preferred cash payments?  
 8 A I don't think I ever gave him any.  
 9 Q Did Maynor Fajardo ever tell you he  
 10 preferred cash payments?  
 11 A Oh, no.  
 12 Q Did Walter Garcia ever tell you he  
 13 preferred cash payments?  
 14 A He was pretty much led through -- who's the  
 15 first guy you said, Renato, I call him Renato, you call  
 16 him Maynor. Some of them were led by Maynor. Maynor  
 17 was the spokesperson for some of them.  
 18 Q What do you mean that Maynor was the  
 19 spokesperson for some of them?  
 20 A He was the one that makes the deals for  
 21 the -- he was the one who makes the deals for the pave  
 22 crew.  
 23 Q What deals did he make for the paving crew?  
 24 A Whatever, that he'd prefer cash and then he  
 25 would say for who. Most of the other guys I didn't

1 LOUIS VECCHIA  
 2 talk about, it was mostly Maynor and Mendez.  
 3 Q Pracelis Mendez?  
 4 A Yeah.  
 5 Q Was Pracelis Mendez also a spokesperson?  
 6 A Oh, yeah, a big spokesperson.  
 7 Q How was he a big spokesperson?  
 8 A Well, there was a point in time where he  
 9 told me and my son we don't even run the company, he  
 10 does.  
 11 Q How, if anything else, did he operate as a  
 12 spokesperson for the plaintiffs?  
 13 A Basically just . . . the amounts, what the  
 14 amounts were to be, which I'm not even familiar with.  
 15 (Pause.)  
 16 A That was really it.  
 17 Q When did Pracelis Mendez act as a  
 18 spokesperson?  
 19 A I don't recall when.  
 20 Q Was it throughout his employment at Suffolk  
 21 Paving?  
 22 A It was . . . no, not for the first couple  
 23 of years, but soon thereafter.  
 24 Q Did Pracelis Mendez ever tell you he  
 25 preferred cash payments?

1 LOUIS VECCHIA  
 2 A Oh, yeah.  
 3 Q How many times did he tell you he preferred  
 4 cash payments?  
 5 A It was . . . once or twice.  
 6 Q How many times did Maynor Fajardo also --  
 7 A Same, once or twice.  
 8 Q Did you -- withdrawn.  
 9 Did Javier Quintanilla ever tell you he  
 10 preferred cash payments?  
 11 A Who?  
 12 Q Javier Quintanilla.  
 13 A I'm not sure of Javier Quintanilla.  
 14 Q Did Edwin Rivera ever tell you he preferred  
 15 cash payments?  
 16 A No, he was under the wings of the other  
 17 two.  
 18 Q So he never told you directly that he  
 19 preferred cash payments?  
 20 MR. ZABELL: Objection, asked and answered.  
 21 A I don't recall.  
 22 Q Did Carlos Escalante ever tell you that he  
 23 preferred cash payments?  
 24 A Don't recall.  
 25 Q Did Kevin Galeano ever tell you that he

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1 LOUIS VECCHIA  
 2 preferred cash payments?  
 3 A I don't think I ever gave him any.  
 4 Q Did Lerly Noe Rodriguez ever tell you he  
 5 preferred cash payments?  
 6 A No.  
 7 MR. ZABELL: Did he ever give you cash  
 8 payments?  
 9 THE WITNESS: No, he never gave me cash,  
 10 either.  
 11 Q Did Jose Vega Castillo ever tell you he  
 12 preferred cash payments?  
 13 A No.  
 14 Q Did Juan Quinteros ever tell you that he  
 15 preferred cash payments?  
 16 A No.  
 17 Q Did Marcos Tulio Perez ever give you cash  
 18 payments?  
 19 A Did he ever give me cash payments?  
 20 MS. GOLDBERG: Withdrawn.  
 21 Q Did he ever tell you that he preferred cash  
 22 payments?  
 23 A No.  
 24 Q I think it might have been unclear, but I  
 25 think you might have answered my question before.

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1 LOUIS VECCHIA  
 2 A I did.  
 3 Q How many times did Pracelis Mendez tell you  
 4 that he preferred cash payments?  
 5 A Once or twice.  
 6 Q Did you keep files on every plaintiff?  
 7 MR. ZABELL: Objection to the form.  
 8 A What kind of files?  
 9 MR. ZABELL: Don't ask her questions.  
 10 A I don't know.  
 11 MR. ZABELL: Thank you.  
 12 Q Did you keep any type of personnel files at  
 13 Suffolk Paving for each plaintiff?  
 14 MR. ZABELL: Objection to the form.  
 15 You may answer.  
 16 A I don't know.  
 17 Q Is it correct to say that in the agenda  
 18 book that you've referred to various times, you have  
 19 kept notes regarding the plaintiffs' hours?  
 20 MR. ZABELL: Objection to the form.  
 21 A Yes, occasionally and then some cash  
 22 payments.  
 23 Q Is it also fair to say that you've recorded  
 24 cash payments in the daily agenda book?  
 25 A Yes.

1 LOUIS VECCHIA  
 2 Q What, if anything, else have you recorded  
 3 in the daily agenda book?  
 4 MR. ZABELL: I'm going to object to the  
 5 form of that question.  
 6 You can answer.  
 7 A Pretty much where I had to go for the day,  
 8 appointments, if there was something related to a job  
 9 that I had to make sure my memory kept.  
 10 Q Was it your practice to record in your  
 11 agenda book every time you gave a cash payment to one  
 12 of the plaintiffs?  
 13 MR. ZABELL: Objection to the form.  
 14 You may answer.  
 15 A I hope so.  
 16 Q So it's your testimony today that every  
 17 time you made a cash payment to the plaintiffs, you  
 18 recorded it in the daily agenda book?  
 19 A I said I hope so.  
 20 MR. ZABELL: Objection to the form of the  
 21 question, objection to the mischaracterization of  
 22 the testimony.  
 23 You may answer.  
 24 A I said I hope so.  
 25 Q Did you, as a regular practice, note on the

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1 LOUIS VECCHIA  
 2 weekly time sheets when you gave a cash payment?  
 3 MR. ZABELL: Objection to the form of the  
 4 question.  
 5 You may answer.  
 6 A Sometimes what I would do is just put the  
 7 dollar sign sometimes to remind me to give it to them.  
 8 Q Would it be fair then to say that if you've  
 9 given a cash payment, it's either reflected on the time  
 10 record or in your daily agenda book?  
 11 MR. ZABELL: Objection to the form.  
 12 A One or other, possibly both.  
 13 Q I would like you to go back to Exhibit 16.  
 14 A Okay.  
 15 Q Why did you write an eight in the middle of  
 16 the page, on the first page of Exhibit 16?  
 17 A Why?  
 18 Q Yes.  
 19 A Because that's what we were paying via  
 20 check, eight regular, just like it states in the -- we  
 21 discussed that before.  
 22 Q So it's your testimony that Lerly Noe  
 23 Rodriguez would have received payment for the rest of  
 24 his hours, which in this case is 32, in cash?  
 25 A Correct.

1 LOUIS VECCHIA  
2 Q Why did you decide to pay him eight hours  
3 by check?  
4 MR. ZABELL: Objection, asked and answered.  
5 You can answer it again.  
6 A Because he was on a prevailing rate job and  
7 he had to be paid that amount legally.  
8 MS. GOLDBERG: Let's mark this.  
9 (Plaintiff's Exhibit 17, copy of Suffolk  
10 Asphalt Corp. Weekly Time Sheet NOE Bates stamped  
11 Def. Exh. A 000982 and attached pay stub Bates  
12 stamped Def. Exh. A 000983, was marked for  
13 identification. Exhibit retained by counsel.)  
14 (Handing.)  
15 (Witness reviewing document.)  
16 Q Have you had an opportunity to review  
17 what's been marked as Exhibit 17?  
18 A Yes, I have.  
19 MS. GOLDBERG: For the record, Exhibit 17  
20 is two pages, the first page is Def. Exh. A  
21 000982, second page is Def. Exh. A 000983.  
22 Q Do you recognize it?  
23 A Yes, I do.  
24 Q What is the first page of Exhibit 17?  
25 A First page of Exhibit 17 is the Suffolk

1 LOUIS VECCHIA  
2 Asphalt weekly time sheet for Noe.  
3 Q For what weeks?  
4 A Weeks 5/14 to 5/20 of 2009.  
5 Q What is the second page of Exhibit 17?  
6 A His pay stub.  
7 Q For what period of time?  
8 A From 5/14 of 2009 to 5/20 of 2009.  
9 Q I would ask that you look at the first page  
10 and you look at the handwriting in the middle of the  
11 page. Is that your handwriting?  
12 A Yes, it is.  
13 Q Can you please read for the record what you  
14 wrote?  
15 A I wrote two hours grease time and the next  
16 part is 32 regular hours, nine OT hours.  
17 Q How is it that you came to write on this  
18 Suffolk Asphalt time sheet?  
19 A How is it?  
20 I was checking it for Helene. Christopher  
21 asked me to check it for him.  
22 Q So how come you wrote fewer number of hours  
23 than what's written in the total hours books, which is  
24 53?  
25 A Same situation as the last one. He was

1 LOUIS VECCHIA  
2 paid cash for the other time besides the time he was on  
3 the job here.  
4 Q So it's your testimony that the  
5 remaining -- you've totaled 43 hours --  
6 A Eighteen hours. That would be 26 and nine  
7 is 35 -- no, wait, what am I doing?  
8 (Witness reviewing document )  
9 Q Is it correct to say you've written a total  
10 of 41 hours?  
11 MR. ZABELL: No, it wouldn't be correct.  
12 A Eighteen hours were paid cash.  
13 Q How did you come to arrive at the number  
14 18?  
15 A I'm having a hard time seeing the -- this  
16 area in here with the numbers. I can't . . . see, this  
17 could have been . . . I don't know why he's there.  
18 He's got two hours at this here of prevailing rate  
19 hours, but it looks like it was overtime, so he was  
20 paid the overtime in the nine and the rest of the stuff  
21 in white was paid in cash.  
22 Q The number of hours that you wrote, you  
23 hand wrote on the first page, does that correspond to  
24 what he was paid on his paycheck?  
25 A Yes. On his paycheck he was paid 32

1 LOUIS VECCHIA  
2 regular hours at \$44.14 an hour, then he was paid nine  
3 hours of double time/overtime of \$88.28 per hour, then  
4 he was paid this two hours of grease time and that's  
5 what he was paid in his check. Then if you look at  
6 this part, that's what he was paid in cash  
7 (indicating).  
8 Q What is grease time?  
9 A Grease time is -- well, they're supposed  
10 to, but rarely that they do this, they've supposed to  
11 grease the equipment; my mechanic seems to tell me they  
12 don't, but they get paid for it anyway. They're  
13 supposed to actually grease the machine and they never  
14 do.  
15 Q So he was paid by paycheck for 43 hours; is  
16 that correct?  
17 A Yes. And the rest of it was paid in cash  
18 for the private jobs.  
19 Q So is it your testimony that he was paid  
20 for ten hours in cash?  
21 A Yes.  
22 Q Did you record the cash payment that you  
23 made to him anywhere?  
24 A I hope so.  
25 Q Where --



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1 LOUIS VECCHIA

2 A Either in the agenda book or on one of  
3 these -- where did they -- whatever, we'll figure that  
4 out later. Either from the daily schedule or the  
5 agenda book.

6 Q Is it accurate to say that for all cash  
7 payments, they would either be recorded in your daily  
8 agenda book or on the time sheets, themselves?

9 A Yes.

10 Q For any year, was there any other place  
11 that you recorded cash payments?

12 A Not that I recall.

13 MS. GOLDBERG: All right, why don't we take  
14 a break so I can mark some of the exhibits?

15 MR. ZABELL: Go ahead.

16 (Short recess taken.)

17 MS. GOLDBERG: Let's mark these.

18 (Plaintiff's Exhibit 18, copy of Suffolk  
19 Asphalt Weekly Time Sheet NOE Bates stamped Def.  
20 Exh. A 000972 and attached pay stub Bates stamped  
21 Def. Exh. A 000973, was marked for identification.  
22 Exhibit retained by counsel.)

23 (Plaintiff's Exhibit 19, copy of Suffolk  
24 Asphalt Corp. Weekly Time Sheet NOE Bates stamped  
25 Def. Exh. A 000968 and attached pay stub Bates

1 LOUIS VECCHIA

2 attached SUFFOLK ASPHALT Weekly Time Sheet Bates  
3 stamped Def. Exh. A 000950 and pay stub Bates  
4 stamped Def. Exh. A 000951, was marked for  
5 identification. Exhibit retained by counsel.)

6 (Plaintiff's Exhibit 24, copy of WEEKLY  
7 TIME SHEET for Lerly Noe Rodriguez from 15 to 23  
8 Sept. Bates stamped Def. Exh. A 000996 and  
9 attached SUFFOLK ASPHALT Weekly Time Sheet Bates  
10 stamped Def. Exh. A 000948 and pay stub Bates  
11 stamped Def. Exh. A 000949, was marked for  
12 identification. Exhibit retained by counsel.)

13 (Plaintiff's Exhibit 25, copy of SUFFOLK  
14 ASPHALT Weekly Time Sheet NOE Bates stamped Def.  
15 Exh. A 000946 and attached pay stub Bates stamped  
16 Def. Exh. A 000947, was marked for identification.  
17 Exhibit retained by counsel.)

18 (Plaintiff's Exhibit 26, copy of SUFFOLK  
19 ASPHALT Weekly Time Sheet NOE Bates stamped Def.  
20 Exh. A 000944 and attached pay stub Bates stamped  
21 Def. Exh. A 000945, was marked for identification.  
22 Exhibit retained by counsel.)

23 (Plaintiff's Exhibit 27, copy of WEEKLY  
24 TIME SHEET for Lerly Noe Rodriguez Bates stamped  
25 Def. Exh. A 000998 and attached SUFFOLK ASPHALT

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1 LOUIS VECCHIA

2 stamped Def. Exh. A 000969, was marked for  
3 identification. Exhibit retained by counsel.)  
4 (Plaintiff's Exhibit 20, copy of Suffolk  
5 Asphalt Corp. Weekly Time Sheet NOE Bates stamped  
6 Def. Exh. A 000966 and attached pay stub Bates  
7 stamped Def. Exh. A 000967, was marked for  
8 identification. Exhibit retained by counsel.)

9 (Plaintiff's Exhibit 21, copy of WEEKLY  
10 TIME SHEET for Lerly Noe Rodriguez from 27-8-09 to  
11 2-9-09 Bates stamped Def. Exh. A 001001 and  
12 attached SUFFOLK ASPHALT Weekly Time Sheet NOE  
13 Bates stamped Def. Exh. A 000954 and pay stub  
14 Bates stamped Def. Exh. A 000955, was marked for  
15 identification. Exhibit retained by counsel.)

16 (Plaintiff's Exhibit 22, copy of WEEKLY  
17 TIME SHEET for Lerly Noe Rodriguez from 23 to 29  
18 July Bates stamped Def. Exh. A 001004 and attached  
19 SUFFOLK ASPHALT Weekly Time Sheet Bates stamped  
20 Def. Exh. A 000964 and pay stub Bates stamped Def.  
21 Exh. A 000965, was marked for identification.  
22 Exhibit retained by counsel.)

23 (Plaintiff's Exhibit 23, copy of WEEKLY  
24 TIME SHEET for Lerly Noe Rodriguez from 9-09-09 to  
25 09-16-09 Bates stamped Def. Exh. A 000977 and

1 LOUIS VECCHIA

2 Weekly Time Sheet NOE Bates stamped Def. Exh. A  
3 000940 and pay stub Bates stamped Def. Exh. A  
4 000941, was marked for identification. Exhibit  
5 retained by counsel.)

6 (Plaintiff's Exhibit 28, copy of WEEKLY  
7 TIME SHEET for Lerly Noe Rodriguez Bates stamped P  
8 0724 and attached SUFFOLK ASPHALT Weekly Time  
9 Sheet NOE Bates stamped Def. Exh. A 000960 and pay  
10 stub Bates stamped Def. Exh. A 000961, was marked  
11 for identification. Exhibit retained by counsel.)

12 (Plaintiff's Exhibit 29, copy of Suffolk  
13 Asphalt Corp. Weekly Time Sheet MENDEZ Bates  
14 stamped Def. Exh. A 000541 and attached pay stub  
15 Bates stamped Def. Exh. A 000542, was marked for  
16 identification. Exhibit retained by counsel.)

17 (Plaintiff's Exhibit 30, copy of Suffolk  
18 Asphalt Corp. Weekly Time Sheet MENDEZ Bates  
19 stamped Def. Exh. A 000539 and attached pay stub  
20 Bates stamped Def. Exh. A 000540, was marked for  
21 identification. Exhibit retained by counsel.)

22 (Plaintiff's Exhibit 31, copy of Suffolk  
23 Asphalt Corp. Weekly Time Sheet MENDEZ Bates  
24 stamped Def. Exh. A 000527 and attached pay stub  
25 Bates stamped Def. Exh. A 000528, was marked for



1 LOUIS VECCHIA  
 2 identification. Exhibit retained by counsel.)  
 3 (Plaintiff's Exhibit 32, copy of Suffolk  
 4 Asphalt Corp. Weekly Time Sheet MENDEZ Bates  
 5 stamped Def. Exh. A 000512 and attached pay stub  
 6 Bates stamped Def. Exh. A 000513, was marked for  
 7 identification. Exhibit retained by counsel.)  
 8 (Plaintiff's Exhibit 33, copy of WEEKLY  
 9 TIME SHEET for P Mendez from 7-23 to 7 29 2009  
 10 Bates stamped Def. Exh. A 000552 and attached  
 11 SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates  
 12 stamped Def. Exh. A 000508 and pay stub Bates  
 13 stamped Def. Exh. A 000509, was marked for  
 14 identification. Exhibit retained by counsel.)  
 15 (Plaintiff's Exhibit 34, copy of WEEKLY  
 16 TIME SHEET for Pracelis Mendez from 7-30 to  
 17 8-5-2009 Bates stamped P 0836 and attached SUFFOLK  
 18 ASPHALT Weekly Time Sheet MENDEZ Bates stamped  
 19 Def. Exh. A 000506 and pay stub Bates stamped Def.  
 20 Exh. A 000507, was marked for identification.  
 21 Exhibit retained by counsel.)  
 22 (Plaintiff's Exhibit 35, copy of WEEKLY  
 23 TIME SHEET for P Mendez from 8-6 to 8-12-2009  
 24 Bates stamped P 0837 and attached SUFFOLK ASPHALT  
 25 Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A

1 LOUIS VECCHIA  
 2 Bates stamped Def. Exh. A 000497, was marked for  
 3 identification. Exhibit retained by counsel.)  
 4 (Plaintiff's Exhibit 39, copy of WEEKLY  
 5 TIME SHEET for P. Mendez from 9-17 to 9-23-2009  
 6 Bates stamped Def. Exh. A 000547 and attached  
 7 SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates  
 8 stamped Def. Exh. A 000494 and pay stub Bates  
 9 stamped Def. Exh. A 000495, was marked for  
 10 identification. Exhibit retained by counsel.)  
 11 (Plaintiff's Exhibit 40, copy of WEEKLY  
 12 TIME SHEET for P. Mendez from 9-24 to 9-30-2009  
 13 Bates stamped P 0834 and attached SUFFOLK ASPHALT  
 14 Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A  
 15 000492 and pay stub Bates stamped Def. Exh. A  
 16 000493, was marked for identification. Exhibit  
 17 retained by counsel.)  
 18 (Plaintiff's Exhibit 41, copy of WEEKLY  
 19 TIME SHEET for P. Mendez from 10.1 to 10-7-2009  
 20 Bates stamped P 0843 and attached SUFFOLK ASPHALT  
 21 Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A  
 22 000490 and pay stub Bates stamped Def. Exh. A  
 23 000491, was marked for identification. Exhibit  
 24 retained by counsel.)  
 25 (Plaintiff's Exhibit 42, copy of WEEKLY

1 LOUIS VECCHIA  
 2 000504 and pay stub Bates stamped Def. Exh. A  
 3 000505, was marked for identification. Exhibit  
 4 retained by counsel.)  
 5 (Plaintiff's Exhibit 36, copy of WEEKLY  
 6 TIME SHEET for P Mendez from 8.13 to 8-19-2009  
 7 Bates stamped Def. Exh. A 000551 and attached  
 8 SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates  
 9 stamped Def. Exh. A 000502 and pay stub Bates  
 10 stamped Def. Exh. A 000503, was marked for  
 11 identification. Exhibit retained by counsel.)  
 12 (Plaintiff's Exhibit 37, copy of WEEKLY  
 13 TIME SHEET for Pracelis Mendez from 8-20 to  
 14 8-26-2009 Bates stamped P 0839 and attached WEEKLY  
 15 TIME SHEET for Pracelis Mendez form 8-20 to  
 16 8-26-2009 Bates stamped Def. Exh. A 000550 and  
 17 SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates  
 18 stamped Def. Exh. A 000500 and pay stub Bates  
 19 stamped Def. Exh. A 000501, was marked for  
 20 identification. Exhibit retained by counsel.)  
 21 (Plaintiff's Exhibit 38, copy of WEEKLY  
 22 TIME SHEET for Pracelis Mendez from 9-03 to  
 23 9-09-2009 Bates stamped Def. Exh. A 000548 and  
 24 attached SUFFOLK ASPHALT Weekly Time Sheet MENDEZ  
 25 Bates stamped Def. Exh. A 000496 and pay stub

1 LOUIS VECCHIA  
 2 TIME SHEET for Pracelis Mendez from 10-8 to  
 3 10-14-2009 Bates stamped Def. Exh. A 000546 and  
 4 attached SUFFOLK ASPHALT Weekly Time Sheet MENDEZ  
 5 Bates stamped Def. Exh. A 000488 and pay stub  
 6 Bates stamped Def. Exh. A 000489, was marked for  
 7 identification. Exhibit retained by counsel.)  
 8 (Plaintiff's Exhibit 43, copy of WEEKLY  
 9 TIME SHEET for P. Mendez from 10-22 to 10-28-2009  
 10 Bates stamped P 0869 and attached SUFFOLK ASPHALT  
 11 Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A  
 12 000482 and pay stub Bates stamped Def. Exh. A  
 13 000483, was marked for identification. Exhibit  
 14 retained by counsel.)  
 15 (Plaintiff's Exhibit 44, copy of WEEKLY  
 16 TIME SHEET for P. Mendez from 10-29 to 11-11-2009  
 17 Bates stamped Def. Exh. A 000544 and attached  
 18 SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates  
 19 stamped Def. Exh. A 000484 and pay stub Bates  
 20 stamped Def. Exh. A 000485, was marked for  
 21 identification. Exhibit retained by counsel.)  
 22 (Handing.)  
 23 Q I've given you actually Exhibit 18 through  
 24 Exhibit 44. I'd ask that you take as much time as you  
 25 need to go through all of the exhibits and when you're

1 LOUIS VECCHIA  
2 done, you can indicate to me that you're finished  
3 reviewing them.  
4 (Witness reviewing documents.)  
5 Q We're going to start with Exhibit 18.  
6 Do you recognize Exhibit 18?  
7 A Yeah.  
8 Q Exhibit 18 is two pages.  
9 Can you tell me what the first page of  
10 Exhibit 18 is?  
11 A Suffolk worksheet for Noe for 6/25/09 to  
12 7/1/09.  
13 Q Can you tell me what page two is?  
14 A Page two is his pay stub.  
15 Q For what period of time?  
16 A From the same period of time, 6/25/09 to  
17 7/1/09.  
18 Q I would ask that you look on the first page  
19 of Exhibit 18.  
20 Is that your writing in the middle of the  
21 page?  
22 A Yes, it is.  
23 Q Can you tell me what you wrote?  
24 A Sixteen regular, three OT, one grease.  
25 Q How is it that you came to write on Noe's

1 LOUIS VECCHIA  
2 time sheet?  
3 MR. ZABELL: Object to the form.  
4 A I can't see the hours over here on the  
5 black part, but whatever. He had one day he was paid  
6 cash, he had 16 hours regular and three OT and one  
7 grease. On his check he got the 16 hours, three double  
8 time and the one grease.  
9 Q How come the total number of hours that you  
10 wrote in the middle of the pages is less than the total  
11 number in the box for total hours?  
12 MR. ZABELL: It's not.  
13 A Total hours would be 30 and he got what,  
14 20, so there was . . . could be one of two things.  
15 Either he -- well, he got paid cash for the day here at  
16 North Isle and at . . . doing this guy, Ed's driveway  
17 and the rest of the day -- see, I can't see the  
18 prevailing rate overtime hours, it looks like it's  
19 point . . . I can't see it on my copy.  
20 MR. ZABELL: I'm looking at two point five  
21 and three point five.  
22 A Two point five and three point five is six,  
23 so he might have either been underpaid that week three  
24 hours, I could have done it fast and saw the three up  
25 here and wrote three, so that week he might have been

1 LOUIS VECCHIA  
2 shorted, but if we maybe go to the next week, he  
3 probably got it made up or somewhere along the line, I  
4 can't skip weeks, you know, got to look at them all.  
5 Q Let's go to Exhibit 19.  
6 For the record, Exhibit 19 is two pages.  
7 What do you recognize the first page of  
8 Exhibit 19 to be?  
9 A That's the Suffolk Asphalt weekly time  
10 sheets, the dates 7/9/09 through 7/15/09, says 40 hours  
11 in the column. Noe's check, which is the second page,  
12 is for that same period of time, which states he got  
13 paid 24 hours of regular rate and an hour and a half of  
14 grease.  
15 So the 16 hours missing from it, it's the  
16 same thing, it's the Avalon job, which you're going to  
17 see that on all of it, is what was paid cash.  
18 On the next sheet, Plaintiff's Exhibit 20,  
19 it's the Suffolk Asphalt sheet with Noe 7/16 to 7/22 of  
20 '09, is on the weekly time sheet on his paycheck, he's  
21 paid 24 and his hour and a half grease. To tell you  
22 the truth, I don't know why that's like that, so . . .  
23 (Witness reviewing document.)  
24 A I don't know why that's like that, I can't  
25 answer that one. So either he's short a half hour or

1 LOUIS VECCHIA  
2 two hours . . . I'd have to look at the next week and  
3 see if we made it up.  
4 Q Is the handwriting on the first page your  
5 handwriting?  
6 A Yes, it is.  
7 Q Do the numbers that you hand wrote  
8 correspond to the numbers that he was paid in his  
9 paycheck?  
10 A What I wrote in this corresponds to what  
11 was paid in his paycheck, correct.  
12 Q Now turning to Exhibit 21. Exhibit 21 is  
13 three pages. I would first ask that you identify what  
14 the first page is.  
15 A It says -- I believe it says seven -- this  
16 is I guess . . . is this his time sheet, I don't know,  
17 what is this?  
18 Q I'm asking for you to identify it. If you  
19 can't identify it, then you can just tell me you can't  
20 identify it.  
21 A Yes, this is not my handwriting, so I don't  
22 know what -- the first sheet, I don't know what it is.  
23 Q Do you know what the form is, though?  
24 A It's some type of weekly time sheet.  
25 Q Can you identify the second page?

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LOUIS VECCHIA

A Second page is Suffolk Asphalt weekly time sheet and it states that Noe got 32 regular hours and nine OT and that's exactly what's specified on his check, which is the second page of Exhibit 21.

Something might have happened where it was either made up. You know, you have to go through every week to really justify some of this stuff because if something's missing, we make it up the next week.

Q Can you tell me why he was paid fewer hours than what is listed on his handwritten time sheet on the first page?

A That I can't tell you. I mean ten p.m., it's dark at ten p.m., I don't know how you put in ten p.m. I could tell you also that there's no lunchtime taken out any of this time sheet. No lunchtime taken out of it, either, so this is an invalid time sheet. It's not even telling me where he was -- there's no job name even located. I can't really -- you know, you can't... it's not really -- it's vague.

(Witness reviewing documents.)

A Here. This says Suffolk Paving, too, it doesn't say Suffolk Asphalt. So maybe he doesn't know where he gets his check from, I'm not sure, but I can't answer to what this is. This is something that my

LOUIS VECCHIA

Q Does your handwriting reflect the number of hours that he was paid?

A Correct.

Q Let's turn to Exhibit 23.

Can you identify Exhibit 23, which for the record is three pages?

A This again is another one of their -- I guess the employee's time sheets, specifically Lerly Noe Rodriguez's. He's specifying that there's 33 half hours he was --

Q For what time period?

A I'm sorry. For... looks like 9/9/09 to 9/16/09. Is that correct?

Q What's the second page?

A The second page is Noe's -- our time sheet from the same... it's actually not the same period of time. He's got 9/9, we have 9/10, so it's not accurate as far as the dates, but he got paid -- it says 24 and he got paid 32 and on his check it specifies 32, so I either made it up from somewhere else or I owed him or I overpaid him or something.

Q How did you come up with the number 32?

A Well, I don't know. I don't know. I must have owed him hours and made it up.

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LOUIS VECCHIA

signature or my handwriting is not on, I don't know how accurate it is, but I could tell you just looking at it it's missing a half hour a day for lunch and this is just picking up from seeing it for the first time. You got no lunch taken out.

(Witness reviewing document.)

A And at ten p.m. it's dark.

Q Is that your handwriting on the second page of Exhibit 21?

A Yes, it is on the second page, yes, it is.

Q I'd ask you now to turn to Exhibit 22.

Can you identify Exhibit 22?

A This looks similar to 21, but I can't identify it, no, I've never seen it.

MS. GOLDBERG: For the record, Exhibit 22 is three pages.

Q You don't recognize the first page, is that your testimony?

A I've never seen this page before, but it's -- looks like maybe -- because the handwriting's consistent, maybe it's Lerly's own handwriting of his -- of what he believes is his time sheet.

Q Is's your handwriting on the second page?

A On the second page is mine.

LOUIS VECCHIA

Q Look at --

A Oh, maybe, no -- wait, wait, you want to get to this? Wait, here's how you could figure out how you got that, I just figured it out.

They're not taking a half hour out for lunch, these knuckleheads, so that's an hour and a half, okay, so that's how it's made up. He didn't take a half hour out for lunch, it's an hour and a half and I must have owed him from something from the week before probably. And Tommy probably put it down here 32 because he doesn't know how to do his math.

Q Are the employees required to take lunch?

A They're -- these guys work hard, give them a little credit, they work hard. They want a break for a half hour. Sometimes they break for 45 minutes and take lunch in the heat of the sun and sometimes -- some of them are a little crazy -- they play soccer.

Q My question to you is were the plaintiffs required to take lunch?

A Yes. Yeah, they would never work through lunch. Sometimes they'll take a lunch at 1:00 or they'll take it at 1:30, they take it when it's convenient for them, but they take a lunch.

Q Were they required to take a 30-minute

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1 LOUIS VECCHIA  
 2 lunch by Suffolk Paving?  
 3 MR. ZABELL: Asked and answered three times  
 4 now.  
 5 A Yeah, three times I answered the question,  
 6 why you keep asking me?  
 7 MS. GOLDBERG: I don't believe he --  
 8 MR. ZABELL: Why --  
 9 A No, I did answer the question three times.  
 10 I'm not -- I answered the question three times.  
 11 Q We'll move on.  
 12 MR. ZABELL: So you're withdrawing it?  
 13 Q Exhibit 24.  
 14 A Twenty-four, I'm looking at another one of  
 15 these, I guess plaintiffs' time sheets. It's again  
 16 Lerly Noe Rodriguez. He's got from the 15th to the  
 17 23rd of I believe it's September. It indicates to me  
 18 that he . . . he worked five days, he's got . . . looks  
 19 like five and a half hours or -- I don't know what it  
 20 says really, but it could be five and a half hours or  
 21 it could be 51 and a half hours. Could be one or the  
 22 other. He's got from the dates of the 15th to the  
 23 23rd. On page two, the dates are there from the 17th  
 24 to the 23rd.  
 25 So I don't know, he obviously mistakenly

1 LOUIS VECCHIA  
 2 already identified that those were your handwriting,  
 3 correct?  
 4 A Those are my handwriting.  
 5 Q When you wrote those numbers, did you  
 6 review the first page of Exhibit 24?  
 7 A No, I did not. I don't see these. Unless  
 8 there's a problem, unless there was a problem that week  
 9 or something. Usually the only time I see them is when  
 10 there's a problem.  
 11 So what had to happen here was, you know,  
 12 first of all, there's no like -- I mean if I do the  
 13 math, seven into 5:30, there's no half hour out for  
 14 lunch.  
 15 He got paid in his check on the third page  
 16 five and a half hours because he doesn't have the two  
 17 and a half hours for grease, so that's five hours right  
 18 there. Then you have the three hours of double time.  
 19 Q Did you review any documents to come up  
 20 with the numbers --  
 21 A I can make -- let me explain to you, when I  
 22 come in on a Thursday, okay and I've been up since 4:30  
 23 in the morning and I go and I'm out all over the place  
 24 all day, I came back on Thursday. I'm actually --  
 25 early in the morning, I try to get Tommy to get it

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1 LOUIS VECCHIA  
 2 entered . . . he obviously mistakenly put the dates  
 3 or -- I don't know what he did.  
 4 Whatever he says is there, you want to  
 5 continue on this first sheet, I'm going to continue on  
 6 the second sheet if you'd like.  
 7 On the second sheet is a Suffolk Asphalt  
 8 weekly time sheet. The dates are from the 17th to the  
 9 23rd, which conflict the sheet above it. It looks like  
 10 he had no overtime hours on this sheet and I gave him  
 11 40 and three.  
 12 So he must have mistakenly made some  
 13 numbers here. Tommy must have talked to him and Tommy  
 14 must have said you really only had three hours overtime  
 15 and that's what he got paid. And two and a half  
 16 grease. So he might not be counting his grease time,  
 17 either or and his lunch, so right there's probably  
 18 what, five days . . . that's five hours right there off  
 19 the clock. So if you take five hours . . . there's the  
 20 mistakes, it's just mathematical.  
 21 Q You wrote the comments on page two; is that  
 22 correct?  
 23 MR. ZABELL: Objection.  
 24 A There's no comment on page two.  
 25 Q I mean the numbers on page two, you've

1 LOUIS VECCHIA  
 2 ready for me early. On Thursday morning, I try to fill  
 3 it out so Helene can do the pay so when I come back,  
 4 the guys have it early Friday morning.  
 5 What I do is . . . these guys will call me,  
 6 sometimes the workers will call me or Christopher will  
 7 call me or Tommy will call me; hey, we made a mistake  
 8 last week, this week or whatever or I made a mistake  
 9 and we make it up.  
 10 They're not going to continue to work  
 11 unless they get paid for what they get paid for,  
 12 whether it's in cash or it's made up in a following  
 13 week in a check.  
 14 So if you look through some of these  
 15 things, you'll see stuff that's either owed or I'll add  
 16 stuff to it because I'm making up from what they told  
 17 me. That's the bottom line.  
 18 Q When you reviewed these time sheets, did  
 19 you have any of the handwritten time sheets in front of  
 20 you as well?  
 21 MR. ZABELL: Objection.  
 22 A No.  
 23 MR. ZABELL: Asked and answered.  
 24 THE WITNESS: Yes, she can ask me again.  
 25 A No.



LOUIS VECCHIA

The handwritten ones? The only thing that's handwritten is what I hand write in the middle here.

Q So on Thursdays when you reviewed the payroll, you had only the computer time sheets in front of you?

A Yes. Because I don't have time to do that. I don't have time to go through that. Tommy does it and he reflects back a few different ways we have to do it and . . .

MR. ZABELL: Go ahead, next question.

Are we done with this?

MS. GOLDBERG: I don't think the witness was finished.

THE WITNESS: Oh, I'm sorry.

MR. ZABELL: He's finished, go ahead, ask your next question.

MS. GOLDBERG: We need two minutes.

(Short recess taken.)

Q I would ask that you look at Exhibit 25, which for the record is two pages.

Can you identify what is the first page of Exhibit 25?

A First page is a Suffolk Asphalt weekly time

LOUIS VECCHIA

A First of all, it says 16 over in the right-hand corner, two plus eight is 16, then you go over to the left, he had two and six, which is eight, which he was paid cash for.

Q It appears that you're doing a lot of math and referring to numbers without knowing.

Just so it's clear for the record, can you explain how --

MR. ZABELL: Wait a minute, wait a minute.

Okay. He told you eight and eight equals 16; we presume you're aware of that. And then when he adds two and six, that also equals eight. We presume that you possess that level of mathematical ability to add two and six and eight and eight, correct?

MS. GOLDBERG: This is not about insulting my mathematical ability, it's wanting to know where he's getting eight or this eight from to understand how he came to write 16.

MR. ZABELL: I'm going to ask you to listen a little more clearly because he absolutely --

A I'll do it again, I'll do it a little slower, I'm sorry.

Q Thank you very much.

LOUIS VECCHIA

sheet, dates 9/24/09 to 9/30 of '09.

Q What is the second page?

A The second page is a pay stub from Suffolk Asphalt Corporation indicating the same thing, except for he got paid an extra hour.

Q I would ask that you just answer my questions and this will go by quicker.

MR. ZABELL: He did.

You can disregard her direction, you're doing fine.

A Go ahead.

Q Is the second page of Exhibit 25 the corresponding payroll record for the first page of Exhibit 25?

MR. ZABELL: Objection to the form of the question.

You may answer.

A It's -- yes. It's subject to what he got paid for that week minus the eight hours he got for the private jobs for cash.

Q So the writing on the first page of Exhibit 25, is that your handwriting?

A Yes, it is.

Q How did you come up with the number 16?

LOUIS VECCHIA

A Okay.

Q I very much appreciate that. I want the record to be clear and I want your testimony to be clear.

A On the right-hand side is 16 hours that were paid to Lerly. On the left-hand side in the white are eight hours, which is two plus six, okay, which he got paid in cash.

So if you get the two plus the six, the eight in cash and the 16 is -- equals 24 hours. If you look on the back sheet, he actually got paid an hour extra for some reason of grease time, I don't know why. But he got an extra hour.

Q How many total hours was he paid for on his pay stub on the second page?

A He was paid for 17 hours.

Q So is it your testimony that you paid him the 16 hours of the prevailing rate hours that he accumulated for that week?

A No, I paid 17 for that and then I paid him the day where he was over in Miller Place doing probably private residential driveways, I paid him cash.

Q Is 24 an accurate reflection of the number

1 LOUIS VECCHIA  
2 of hours he worked that week?  
3 A From what this -- yeah, I guess from what  
4 the sheet indicated and what . . .  
5 Q Were there any other documents that you  
6 referred to when you made the notation 16?  
7 A Not to my knowledge.  
8 Q I would ask you to look at Exhibit 26.  
9 Can you identify the first page of Exhibit  
10 26?  
11 A First page is a Suffolk Asphalt weekly time  
12 sheet for Noe, the dates are 10/1/2009 to 10/7/2009.  
13 Q I would ask that you now identify the  
14 second page of Exhibit 26.  
15 A On the second page is a pay stub to Lerly  
16 Rodriguez/Noe and the period from 10/1 to 10/7 of '09.  
17 Q Is that your handwriting on the first page  
18 of Exhibit 26?  
19 A It certainly is, 16 regular hours.  
20 Q How did you come to write 16 on this page?  
21 A If you take the dark sheet to the right, it  
22 actually said 15, I don't know why I wrote 16 and he  
23 actually got paid 17, so that I don't know.  
24 In the box to the right where you're going  
25 to go next is 32 hours. The difference between the two

1 LOUIS VECCHIA  
2 was paid in cash.  
3 Q I would ask you to look at Exhibit 27.  
4 Exhibit 27 is three pages.  
5 Can you identify the first page?  
6 A Yes. The first page looks like a time  
7 sheet from Lerly Noe Rodriguez, obviously that I would  
8 imagine, I don't know his handwriting that he supplied,  
9 I'm imagining that.  
10 Q What's the date --  
11 A I'll do it, you don't have to ask me.  
12 The date is 10/15 of '09 to 10/21 of '09.  
13 Q I ask that you identify the second page of  
14 Exhibit 27.  
15 A The second page indicates that . . . is a  
16 Suffolk Asphalt weekly time sheet with the same dates  
17 corresponding from 10/15 to 10/21. He only worked 32  
18 hours, but he was paid 40 -- if you go to the third  
19 page, he was paid 42 and a half.  
20 Q Can you identify the third sheet?  
21 A But it all makes sense.  
22 I'm sorry?  
23 Q Can you identify the third sheet?  
24 A I'm sorry, the third sheet is his pay stub  
25 with the same dates, 10/15/09 to 10/21/09.

1 LOUIS VECCHIA  
2 Q Is that your handwriting on the second  
3 page?  
4 A Yes, yes.  
5 Q How did you come to write 40 on the second  
6 page?  
7 A Again, he . . . I must have checked on  
8 something, we owed him eight hours and I paid him the  
9 extra eight hours and that's what he got. I must have.  
10 I mean I don't know why I would have paid him more  
11 unless there was an issue that somebody told me about.  
12 Q I'd ask you to look at Exhibit 28.  
13 A Okay. Exhibit 28. This looks like --  
14 should I go?  
15 Q Exhibit 28 is three pages, for the record.  
16 Can you identify what the first page is?  
17 A The first page looks like two time frames,  
18 I can't make out the top one as far as date at all.  
19 Maybe you could help me, if you'd like.  
20 The second one I see, it looks like the  
21 sixth through the 12th, but it looks like somebody  
22 tried to correct it up top for him already or maybe  
23 it's his handwriting again, I'm not sure.  
24 Q I would ask you to go to the second page of  
25 Exhibit 28.

1 LOUIS VECCHIA  
2 Can you identify what page two of Exhibit  
3 28 is?  
4 A Two would be a time sheet from Suffolk  
5 Asphalt on 8/6 to 8/12 and it appears that he was paid  
6 . . . I wrote 40 hours and one OT.  
7 Q Is that your handwriting in the middle of  
8 the page?  
9 A Most definitely.  
10 Q Does that correspond with what he was paid  
11 that week?  
12 A Actually, no, it doesn't. He was paid two  
13 and a half extra hours on his thing than what I wrote.  
14 Q How did you come to write the numbers 40  
15 and one, 40 regular and one OT hours?  
16 A Probably because it was on his sheet and I  
17 agreed to it, but he must have had an hour overtime  
18 that was somewhere, I don't see it here or we owed it  
19 from last week or he had an hour that maybe Tommy  
20 missed from a time sheet from one of the towns that we  
21 had, the time sheets from all these towns and sign-ins  
22 and there's inspectors there, a lot of them give times.  
23 Q Are those inspectors there for jobs that  
24 you do for municipalities?  
25 A Oh, yeah.

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1 LOUIS VECCHIA

2 Q Are they always there?

3 A Oh, yeah.

4 Q Do they remain at the job sites the whole  
5 day?

6 A Whole day.

7 Q Are they individuals from the town?

8 A From certain towns, yes.

9 Q Which towns have inspectors come for the  
10 entire day?

11 A Suffolk County does, Babylon does, Islip  
12 does. There's actually -- there should be sheets to  
13 correspond, we should have them somewhere in the  
14 office. I'm not big on the filing stuff, so I don't  
15 know where they are. So if you don't have those  
16 sheets, I'm sure we can provide them for you.

17 Q What sheets are you referring to?

18 A The time sheets from the municipalities  
19 that do have people there all day.

20 Q What information is on those time sheets?

21 A Basically mens' time.

22 Q Who wrote on those time sheets?

23 A Basically we would fill -- somebody from  
24 our company would fill them out and then the inspector  
25 would sign them after we're done. He don't sign them

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1 LOUIS VECCHIA

2 until we give them to him. We don't give them to him  
3 until the next day. He watches the whole day, he gets  
4 them the next day usually.

5 Q Did you keep those records?

6 A Oh, my goodness, I hope so.

7 Q Was a copy provided to you of those records  
8 after he signed them?

9 A I believe they're either via fax or hand  
10 delivery maybe.

11 Q Where did you keep them?

12 A Where did I keep them? You're asking the  
13 wrong guy.

14 Q Who should I ask?

15 A You could ask . . . Helene probably --  
16 probably Joe Arpino in my office.

17 Q Who is Joe Arpino?

18 A He's . . . a very organized guy.

19 Q What is his title?

20 A Tommy's the right-hand man, he's the  
21 left-hand man.

22 Q Does he work for you?

23 A He works for my son, Christopher; that's  
24 why most of that stuff is Christopher's, the stuff that  
25 we're talking about right now.

1 LOUIS VECCHIA

2 Q Does he also work for you?

3 A He works for Christopher.

4 Can I direct him, possibly.

5 Q Do you give him direction?

6 A If he needs help on something I'll help  
7 him.

8 Q What have you given him direction on?

9 A Whatever help he needs.

10 Q What has he needed help on?

11 A Oh, anything. Whether it's taking off a  
12 job. Whatever assistance I can help anybody. If you  
13 needed help stapling, I'd help you. That's how I am.

14 MR. ZABELL: It's true.

15 Q I would ask that you --

16 A Twenty-nine?

17 MR. ZABELL: Sure, okay, 29 it is.

18 Q Wait a minute. We haven't done 28.

19 A We didn't? I thought we did. We can do it  
20 again.

21 Q We're in the middle of doing 28.

22 I'd like you to look at the second page of

23 28. Do you recognize that?

24 A Yes, we did this already. That is my  
25 handwriting in the front, dates are 8/6 to 8/12, the

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1 LOUIS VECCHIA

2 paycheck reflects two and a half more hours than what I  
3 wrote.

4 Q Let's look at Exhibit 29.

5 I would ask you to look at Exhibit 29.

6 Do you recognize page one of Exhibit 29?

7 A Yeah.

8 Q What do you recognize it to be?

9 A It says -- it's a Suffolk Asphalt Corp.  
10 weekly sheet for Mendez, the dates are 3/19 to 3/25 of  
11 '09.

12 Q Is that your handwriting on the first page?

13 A It most definitely is.

14 Q Can you tell me what the second page is?

15 A Second page is his time sheet where he got  
16 eight and a half hours in pay.

17 Q Can you tell me how you came up with the  
18 number eight that you wrote on the first page?

19 A I'm going to -- this is an assumption, but  
20 I could probably if I look back figure this out.

21 I owed him eight hours from February. We  
22 normally don't work in February, so he was probably on  
23 unemployment, asked me to pay him cash.

24 Any other questions?

25 Q Is your testimony that is 16 the correct

1 LOUIS VECCHIA  
2 numbers of hours that he worked?  
3 A No, no.  
4 Q Is 16 the correct numbers of hours he  
5 worked?  
6 A No.  
7 MR. ZABELL: You said no, you answered the  
8 question.  
9 A Any other questions?  
10 Q I'd ask you to look at Exhibit 30 -- I do  
11 need you to go back to Exhibit 29.  
12 A I'd love to, no problem.  
13 Q In looking at Exhibit 29, do you see the  
14 line in the middle of the page, the date 3/21/2009?  
15 A Yes, I do.  
16 Q Then if you look across on that line, it  
17 says eight and then next to it says owed from February.  
18 A Correct.  
19 Q Can you tell me what that means?  
20 A What I can only assume is -- and it happens  
21 to me every winter -- the guys get low on unemployment,  
22 things get tight for them. If I can fit a day in for  
23 them here or there to do something and help them out, I  
24 do.  
25 Q When an individual is owed something from

1 LOUIS VECCHIA  
2 required certified payroll, so I gave him eight instead  
3 of four, so I gave him eight more. I -- I mean four  
4 more and then on the other side I paid him cash for the  
5 private jobs.  
6 Q So is it your testimony that 24 would  
7 represent the number of hours that he worked that week?  
8 MR. ZABELL: It's his testimony --  
9 A It's his testimony -- I'm testifying that  
10 he got paid for eight regular hours and he got paid  
11 another 12 hours in cash.  
12 (Witness reviewing document.)  
13 A Well, eight and a half.  
14 MR. ZABELL: You look confused, can I help  
15 you?  
16 (No response.)  
17 Q Can you explain for me again since I didn't  
18 quite understand your response, can you explain to  
19 me --  
20 MR. ZABELL: You're not quick, you don't  
21 understand his response, is that what you said?  
22 Q How many total hours --  
23 A We're going back to 30?  
24 Q We're looking at Exhibit 30.  
25 How many total hours did --

1 LOUIS VECCHIA  
2 work he's previously done, is it regularly recorded on  
3 these time sheets?  
4 MR. ZABELL: Objection to the form.  
5 A Don't know how it got there. I'm only  
6 telling you what I see. I don't know how it got there.  
7 Q I'd ask you to look at Exhibit 30.  
8 A Exhibit 30.  
9 Q Exhibit 30 is two pages. I'd ask you to  
10 identify what it is.  
11 A Sheet one is Suffolk Asphalt Corp.'s weekly  
12 time sheet. The dates are 3/26 of '09 to 4/1 of '09.  
13 Q Can you identify page two of Exhibit 30?  
14 A Page two is a paycheck to Mendez, Pracelis  
15 for the week of 3/26 to 4/01 and it's for eight and a  
16 half hours of work.  
17 Q Is it for the corresponding time period of  
18 the first page on --  
19 A Yes, it is, I specified that already.  
20 Q Is that your handwriting on the first page?  
21 A Yes, it is.  
22 Q How is it that you came to write eight on  
23 the first page?  
24 A How I did come to write eight?  
25 Once again, he must have been on a job that

1 LOUIS VECCHIA  
2 A Mendez worked -- I'm going to go slow.  
3 Mendez worked a total of 24 hours that  
4 week.  
5 Q Is it your testimony --  
6 A I'm going to give you everything, you just  
7 listen.  
8 Q I would rather let me ask you the  
9 questions.  
10 MR. ZABELL: She can't process it that way.  
11 A Okay, okay, go ahead.  
12 Q How many hours did you pay him in cash for  
13 this week?  
14 MR. ZABELL: Which week?  
15 A Eleven and a half. It appears to be -- if  
16 you got eight and a half minus 24 is what?  
17 MR. ZABELL: Go ahead, Lauren.  
18 A Twenty-four minus eight and a half is what,  
19 so he got paid 12, 11 and a half -- no, I'm sorry, he  
20 got paid . . . 16 hours, he got 15.5 hours in cash for  
21 that week.  
22 Q Did you rely on any documents when you  
23 wrote eight regular on the first page?  
24 MR. ZABELL: Objection to the form of the  
25 question.



1 LOUIS VECCHIA  
2 You may answer the question.  
3 A What was the question again, I'm sorry?  
4 MS. GOLDBERG: JoAnn, would you mind  
5 reading it back?  
6 (The pending question was read.)  
7 A I don't know, I still . . . did I rely on  
8 any documents, like what documents? It's the weekly  
9 time sheet.  
10 MR. ZABELL: Next question, counsel.  
11 Q Are you finished answering the question?  
12 A Oh, yes, I'm done. If you have any other  
13 questions, I'd love to answer them.  
14 Q I'd ask you to look at Exhibit 31.  
15 MR. ZABELL: You're sure, you don't want to  
16 go back?  
17 A It shows me here --  
18 MR. ZABELL: No, wait for her to ask you a  
19 question.  
20 THE WITNESS: But I got this down.  
21 MR. ZABELL: I know, but she's incapable of  
22 processing your answers unless she asks the  
23 questions.  
24 THE WITNESS: Sorry, counselor.  
25 MS. GOLDBERG: I don't appreciate being

1 LOUIS VECCHIA  
2 A Forty regular hours and then he got two and  
3 a half -- two and a half hours of pay and then he got  
4 an hour of overtime. So he actually got a total of 43  
5 and a half hours and I wrote 40 and one.  
6 Q I ask you to look at Exhibit 33. Exhibit  
7 33 is three pages.  
8 On the second page in the middle, is that  
9 your handwriting?  
10 A Yes, it is.  
11 Q How many hours was Mendez paid for the week  
12 of 7/23/09 to 7/29/09?  
13 A How much was paid by check or by cash?  
14 Q How many hours was he paid for that week?  
15 A That week he was paid for 32 hours.  
16 Thirty-two and a half actually.  
17 Q How many hours does his pay stub indicate  
18 that he was paid for?  
19 A Eight and a half.  
20 Q In what way was he paid the difference  
21 between the eight and a half that's indicated on his  
22 pay stub and the remaining hours?  
23 A He was paid in cash I said.  
24 Q I'd ask you to look at Exhibit 34. Exhibit  
25 34 is three pages.

1 LOUIS VECCHIA  
2 insulted on the record.  
3 MR. WALLACE: Can we stipulate to dates?  
4 MR. ZABELL: No, we'll stipulate to  
5 nothing. She'll ask her questions if she doesn't  
6 want him to go through the same standard  
7 answers --  
8 THE WITNESS: Yeah, we're doing the same --  
9 it's repetitive.  
10 MS. GOLDBERG: No, the problem is when he's  
11 just providing --  
12 MR. ZABELL: Right, you can't process that  
13 information.  
14 THE WITNESS: Can we go off the record for  
15 a second?  
16 MR. WALLACE: Off the record.  
17 (Short recess taken.)  
18 Q On Exhibit 31 on the front pages, is that  
19 your handwriting where it says 24 reg?  
20 A Yes.  
21 Q I ask you to look at Exhibit 32.  
22 Is that your handwriting on the first page  
23 where it says 40 reg, one OT?  
24 A Yes.  
25 Q What do those numbers represent?

1 LOUIS VECCHIA  
2 I'd ask you to look at the middle page.  
3 Is that your handwriting in the middle  
4 page?  
5 A The handwriting in the middle --  
6 Q I'm sorry, in the middle on the second  
7 page.  
8 A Yes, is my handwriting.  
9 Q I'd ask that you turn to Exhibit 35.  
10 Is that your handwriting, 40 regular, 30  
11 OT?  
12 A Yes.  
13 Q I'd ask that you look at Exhibit 36, which  
14 is also three pages.  
15 Is that your handwriting that says 40 . . .  
16 well, can you tell me what it says after 40?  
17 A Forty regular hours and two overtime hours.  
18 Q I'd ask that you look at Exhibit 37.  
19 Exhibit 37 is four pages.  
20 I would ask that you look at the second  
21 page.  
22 Is that your handwriting at the bottom?  
23 A Yeah.  
24 Q Can you tell me what you wrote?  
25 A Hours are fraudulent, 8/27/09, paid him the

1 LOUIS VECCHIA  
 2 cash for Saturday.  
 3 Q Can you look on the third page of Exhibit  
 4 37?  
 5 A Paid him 40 regular and seven overtime.  
 6 Q That's your handwriting?  
 7 A Yeah. Why would I pay that much? Is it --  
 8 because the check actually shows 49 and a half hours.  
 9 It's a great case.  
 10 Q I'd ask you to look at Exhibit 38 --  
 11 A Yes, 38.  
 12 Q -- which is three pages.  
 13 I'd ask you to look at the second page.  
 14 Is that your handwriting in the middle of  
 15 the page?  
 16 A Second page, I'm sorry, yes.  
 17 Q What did you write there?  
 18 A Twenty-four regular.  
 19 Q How is it that you wrote the number 24  
 20 there?  
 21 A I paid him 24 regular and -- I paid him  
 22 actually 25 and a half regular and he got the rest in  
 23 cash.  
 24 Q So did he work a total --  
 25 A So I might have -- I could have paid him

1 LOUIS VECCHIA  
 2 for the holiday and what I then did was paid him in  
 3 cash for the other days. Could be one or the other.  
 4 But he got paid.  
 5 Q Did he get paid for 40 hours?  
 6 MR. ZABELL: He didn't even work that day.  
 7 MS. GOLDBERG: I would object.  
 8 I see, Mr. Zabell, that you're pointing to  
 9 stuff on the exhibit and trying to indicate to  
 10 your client some such thing by showing him things  
 11 on the document.  
 12 MR. ZABELL: What thing is some such thing?  
 13 MS. GOLDBERG: I don't know what you're  
 14 doing, but you're trying to indicate something to  
 15 him and I would just ask that let the witness  
 16 answer the question.  
 17 THE WITNESS: Go ahead.  
 18 MR. ZABELL: I think the witness is  
 19 answering your questions. If you have another  
 20 question, ask it.  
 21 Q Was Pracelis paid in cash for the amount of  
 22 hours that he was not paid on his paycheck?  
 23 MR. ZABELL: Objection to the form.  
 24 You may answer.  
 25 MS. GOLDBERG: I'm going to withdraw that

1 LOUIS VECCHIA  
 2 question.  
 3 Q Did you pay Pracelis for this week in cash  
 4 at all?  
 5 A In Plaintiff's Exhibit 38?  
 6 Q Yes.  
 7 A Most definitely.  
 8 Q How much did you pay him in cash, for how  
 9 many hours?  
 10 A I forgot the deal he shook me down was, I  
 11 forgot what his shakedown deal was, I forgot what it  
 12 was.  
 13 Q Do you know how many hours you paid for him  
 14 in cash?  
 15 A I don't recall off the top of my head, but  
 16 I forget what his shakedown number was.  
 17 Q What do you mean by "shakedown?"  
 18 A Where he basically threatens you and tells  
 19 you, you know, this is what I need to get paid or I'm  
 20 not coming to work no more, stuff like that.  
 21 Q Is it your testimony that he was  
 22 threatening you that he would do something if he didn't  
 23 get paid a certain amount?  
 24 A Threatening? The guy tells my son he owns  
 25 my company, he runs it, threatens you. Come on, have

1 LOUIS VECCHIA  
 2 you talked to the man?  
 3 Q Well, I'm trying to understand from you --  
 4 A He's very, very, very persuasive; very,  
 5 very, very conniving and very, very, very slick. And  
 6 that will all come out and you'll see.  
 7 Q Do you know what you paid him in cash --  
 8 A Not for that week off the top of my head.  
 9 Q Look at Exhibit 39. Exhibit 39 is three  
 10 pages.  
 11 Can you identify the first page?  
 12 A First page looks like Mendez was throwing  
 13 out these time sheets, too.  
 14 Q Did you ever see the first page of Exhibit  
 15 39 before?  
 16 A Just now.  
 17 Q Have you seen it before today?  
 18 A No. But I remember a comment all of a  
 19 sudden he got where he didn't want cash anymore,  
 20 whatever that reason was. That was his doing.  
 21 Q When do you recall him making that comment?  
 22 A It was probably around this time.  
 23 Q On how many occasions did he make a comment  
 24 to you that he didn't want cash?  
 25 A It was once or twice, it was once or twice.

LOUIS VECCHIA

He might have told Tommy more, I don't know.

Q Do you know who wrote I don't want cash, I want check at the bottom of the first paper?

A I imagine that would be Mendez.

Q I'd ask you to look at page two of Exhibit 39.

Is that your handwriting in the middle of the page?

A Yes, it is.

Q What did you write there?

A I wrote 32 hours regular, 48 -- 32 hours regular.

Q How is it that you came to write 32?

A Paid him 32 via check and 16 cash.

Q I'd ask you to look at Exhibit 40.

A This actually I asked him because he was actually up at my house working, I asked him to work up there.

Q What was he doing at your house?

A Grading or doing something.

Q How many days did he spend working at your house?

A Looks like one and he put in overtime hours, that's funny. What a gem.

LOUIS VECCHIA

didn't start on a job till 8:00. They're almost comical, they're almost comical.

Q How is it that you know that his numbers are not accurate?

A Because I was questioning him at this point. I don't know what to do. I just --

MR. ZABELL: Just answer the question that's asked of you.

A I was questioning his -- at this period of time and maybe a few months prior to that, I was questioning his credibility --

Q What --

A -- as a person and an employee.

Q What happened, if anything, to have you question his credibility?

A He was a very vindictive, a very ... he turned into a different person, I'll leave it at that. I don't want to get into it, but he turned into a different person.

Q Can you --

A Very disrespectful, very arrogant, very pushy. Just he turned into a different person.

Q Why is it that you call him vindictive?

A Because he's a very -- that's how he is.

LOUIS VECCHIA

Q Can you look at Exhibit 40, please?

A Yes.

Q Exhibit 40, for the record, is three page.

Do you recognize the first page?

A First page is -- looks like another one of Mendez's daily time sheets.

Q Have you ever seen this before?

A No.

Q I'd ask you to look at the second page of Exhibit 40. Do you recognize this?

A Second page is -- yes.

Q Is that your handwriting in the middle of the page?

A Yes.

Q I'd ask you to look at Exhibit 41. For the record, Exhibit 41 is three pages.

Do you recognize the first page of Exhibit 41?

A First page of 41, I don't -- this is the first time I'm seeing it, it looks like Mendez's mathematical error, the time sheet.

Q What mathematical error are you referring to?

A There's no half hours out for lunch, they

LOUIS VECCHIA

We caught him a couple of times doing things that weren't right, stealing fuel for his house and putting it in a pickup truck that I provided for him into his fuel tank at his house. There's a lot of things, but they'll come out at a later date.

Q I would like to discuss them now.

What are the behaviors that Pracelis Mendez exhibited to make you have a different opinion of him?

A Theft.

Q When you say "theft," what do you mean?

A Materials missing.

Q What materials?

A Sand, cement, cobblestone.

MR. ZABELL: Before you ask another question, I'm advising you that you are ten minutes beyond your seven hours. I will allow you as a courtesy to continue until 5:30. Beyond that, you will get no additional courtesy from me.

MS. GOLDBERG: Well, it has not yet been seven hours, we certainly did take a lunch break and so at a minimum, the seven hours would go until 6:00 today.

MR. ZABELL: That's not true, we didn't take an hour lunch break, we took a half an hour

1 LOUIS VECCHIA

2 lunch break. You took many breaks throughout the  
3 day which all attribute -- are attributable to  
4 you, so that's your wasted time.

5 I am letting you know as a courtesy we will  
6 be here until 5:30. How you choose to use that  
7 time is entirely up to you. I strongly suggest  
8 you proceed.

9 MS. GOLDBERG: We have 16 plaintiffs in  
10 this case covering a six-year period. We have  
11 many areas that we have yet --

12 MR. ZABELL: Your inability to prepare for  
13 this deposition is not my client's responsibility.

14 Continue.

15 Q Can you continue with what you were  
16 discussing about Pracelis Mendez and the different  
17 materials?

18 A I basically specified enough of them.  
19 Between the diesel fuel, between the cobblestone, the  
20 sand and the cement. And the use of my truck that I  
21 let him drive home to use to do side jobs is enough.

22 Q Can you tell me what happened with the  
23 diesel fuel?

24 A He put it into his oil tank at home.

25 Q How many times did he do this?

1 LOUIS VECCHIA

2 that.

3 THE WITNESS: Okay.

4 MR. ZABELL: She has an obligation to ask  
5 questions. Let her ask you the questions.

6 Q On the second day that you saw him return  
7 for more diesel fuel, do you know how much he took at  
8 that time?

9 A We weren't a hundred percent sure of the  
10 gallons, but we know it was at least over 75 gallons.

11 Q How do you know that?

12 A By the ticker on the . . . counter on the  
13 diesel truck that we have in the shop.

14 Q How many trucks use the same fuel pump?

15 A They all use it.

16 MR. ZABELL: Objection to the form.

17 Q There's one pump?

18 A There's one pump, yeah. There's one 4,000  
19 gallon tank.

20 Q Do multiple vehicles fill up at that pump  
21 every day?

22 A Yes.

23 Q How much fuel is being taken by each  
24 vehicle that comes to take fuel at that pump?

25 A If you watch it. If you're suspect and

1 LOUIS VECCHIA

2 A We . . .

3 MR. ZABELL: If you know.

4 A There was . . . I have surveillance at  
5 the -- at my office and he came in to fill up his tank,  
6 which holds a hundred and something gallons in the back  
7 on a certain date, I don't recall the date right now  
8 and what he did was he came back the next day for fuel,  
9 but he didn't need it. And it was gone the next day.  
10 So the fuel was being used at home.

11 Q He came back the next day for more gas?

12 A Right. And he didn't need it.

13 Q Do you know how much gas he filled the car  
14 up with the next day?

15 MR. ZABELL: I'm going to object to the  
16 characterization of the testimony.

17 A It's not a car and I think you really  
18 should go on, this will all come out later.

19 MR. ZABELL: It's not gas, it's diesel  
20 fuel.

21 A It's diesel fuel.

22 Q It's diesel fuel.

23 A That's okay.

24 It's diesel fuel. He takes the truck --

25 MR. ZABELL: It's diesel fuel, leave it at

1 LOUIS VECCHIA

2 somebody's credibility's in question, you then look and  
3 you look to see to find where the problem lies.

4 Q When was this that this occurred?

5 A We have it written down somewhere in the  
6 office.

7 Q Do you recall whether it was in 2009?

8 A It was -- yes, it was definitely in 2009.  
9 It all started in the middle of 2009 and somewhere  
10 around May or June.

11 Q Did you monitor the fuel pump on the day  
12 that you first saw it?

13 A Well, we believe it happened twice before,  
14 so yes, we did monitor it just because we -- so it  
15 could be more, that's all we know about.

16 Q Did you record or make any notes regarding  
17 this incident?

18 A I'm not sure.

19 Q Did you make any notes recording the  
20 readings on the fuel pump during this time?

21 A I'm not sure.

22 Q Is there anything that would refresh your  
23 memory in terms of --

24 A Not at this time.

25 Q Did you give Pracelis Mendez any



1 LOUIS VECCHIA  
2 disciplinary action regarding this incident?  
3 A I don't recall.  
4 Q Did you talk to Pracelis Mendez about this  
5 incident?  
6 A I don't remember.  
7 Q Did you discuss this with anybody?  
8 A I'm not sure. My wife tells me I keep too  
9 much shit inside.  
10 Q Did you talk to your wife about this  
11 incident?  
12 A No.  
13 Q Did you talk to Christopher about this  
14 incident?  
15 A I don't recall.  
16 Q Did you talk to Tom McEvilly about this  
17 incident?  
18 A Possibly.  
19 Q Who was watching the pump on the day that  
20 you saw Pracelis take the fuel?  
21 A I was.  
22 Q Anybody else?  
23 A My camera, it zooms in pretty damn close to  
24 read numbers off the pump.  
25 Q Where is your camera installed?

1 LOUIS VECCHIA  
2 A There's two of them. There's one right on  
3 the light and there's one right in the back of the  
4 building.  
5 Q Are they on the entire time?  
6 A They . . . what is that called, they circle  
7 everywhere and then if I want, I can zoom right in,  
8 look at what size waist you got.  
9 Q Is it recorded on tapes what is --  
10 A It's possibly.  
11 Q Do you have this incident recorded on tape?  
12 A I'm not sure.  
13 Q Did you look at the tapes when this  
14 incident occurred?  
15 A I said I'm not sure it's on tape.  
16 Q Do you recall whether you looked at the  
17 tape at the time this occurred?  
18 A I don't remember.  
19 Q How long have you had the cameras at  
20 Suffolk Paving?  
21 A I forget the year we installed them. I  
22 still think I'm 23.  
23 Q How come -- withdrawn.  
24 Did you fire him after this incident?  
25 A No.

1 LOUIS VECCHIA  
2 Q Why didn't you fire him?  
3 A Why didn't I fire him? Because I'm  
4 probably too nice of a guy.  
5 Q You mentioned something related to  
6 cobblestone; can you describe what you were referring  
7 to with, was it cobblestone?  
8 MR. ZABELL: Objection to the form.  
9 If you can, you may answer.  
10 A Cobblestone, it's a Belgium block or a  
11 cobblestone, it's (indicating) . . . I mean they're  
12 under a lot of city streets, they're paved over, buy  
13 them up in quarries in New Jersey.  
14 Q Was there some incident with Pracelis  
15 Mendez and some cobblestone?  
16 A At that period of time, there was things  
17 missing.  
18 Q What was missing?  
19 A I think we went through it already.  
20 Cobblestone, sand and cement.  
21 Q Are you saying that Pracelis Mendez stole  
22 cobblestone from you?  
23 A I might be . . . I might be guessing at  
24 that right now, I'm not a hundred percent sure.  
25 Q So you don't know?

1 LOUIS VECCHIA  
2 A I don't know right now, I'd have to look  
3 back at some notes maybe.  
4 Q What notes would you look at?  
5 A Notes of when things were in question and  
6 what might have happened.  
7 Q Is this something that you ever talked to  
8 Pracelis Mendez about?  
9 A Tried to.  
10 Q When did you try to?  
11 A I guess it was . . . another time he  
12 threatened me. It was . . . actually I was just coming  
13 back from out east, I was on 71 or 72 and I wanted to  
14 meet him, but he didn't have time to meet me. I wanted  
15 to sit down and talk to him, go over a few issues and  
16 he didn't have the time, he was going to do some DJ  
17 thing or something and he didn't have the time for me  
18 because I had some -- you know, certain -- I wanted to  
19 just have a sit-down with him, figure out how I was  
20 going to get the money back that he owed me, what . . .  
21 and some of the situations in his behavior and he chose  
22 not to talk to me.  
23 Q Do you remember what year this was?  
24 A 2009.  
25 Q Do you recall what month?

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1 LOUIS VECCHIA  
2 A That's what I'm trying to think of and I  
3 don't know off the top of my head.  
4 (Discussion off the record.)  
5 Q Do you recall whether it was in the middle  
6 of the year?  
7 A It was more towards . . . it was warm, so  
8 it could have been June, July.  
9 Q Did you ever try to talk with him again?  
10 A No, he didn't want to talk after that.  
11 Basically told me I got something coming for me, he's  
12 got something coming for me.  
13 Q Why do you believe that Pracelis Mendez  
14 stole cobblestone from you?  
15 A I had some reports of people seeing my  
16 truck on certain jobs in Brentwood on Saturdays and  
17 Sundays when he wasn't working for me.  
18 MS. GOLDBERG: Can you repeat that back,  
19 JoAnn?  
20 (The preceding answer was read.)  
21 Q Who are those people that gave you the  
22 reports?  
23 A It happens, different business owners,  
24 different people, some employees.  
25 Q Did your truck have cobblestone on it at

1 LOUIS VECCHIA  
2 Why do you believe that Pracelis stole  
3 cement from you?  
4 MR. ZABELL: Asked and answered.  
5 Go ahead, answer again, it's her time.  
6 A Because people have informed me that there  
7 was cobblestone and sand on Saturdays and Sundays at  
8 jobs in Brentwood with his truck, pickup truck number  
9 nine, at these sites.  
10 He's been robbing time from me all the  
11 time, why wouldn't he do that? Come on. Give yourself  
12 some credit.  
13 Q Was he assigned to a vehicle at Suffolk  
14 Paving?  
15 A Oh, yeah. He took it home, destroyed it,  
16 yeah.  
17 Q Was he assigned to one specific vehicle --  
18 A Pickup truck number nine.  
19 Q Did you allow him to take the truck home?  
20 A I was about at my wits' end there, yeah.  
21 But yes, I did let him take it home.  
22 Q Was he permitted to have it on the  
23 weekends?  
24 A He was not supposed to be using it on the  
25 weekends and he was supposed to use it to go to the job

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1 LOUIS VECCHIA  
2 the time?  
3 A Cobblestone, sand and cement.  
4 Q Are those materials always on your truck?  
5 A No.  
6 Q How is it that you know that cobblestone  
7 was on the truck that day?  
8 A From people telling me.  
9 Q What people are you talking about?  
10 A I just said it.  
11 Can you stop asking the same question,  
12 please? You're going to get the same answer out of me,  
13 I'm not a dummy. Please stop asking me the same  
14 questions.  
15 Q No, I'm asking --  
16 A No, you're --  
17 Q I'm asking --  
18 MR. ZABELL: Lou, if she wants to --  
19 THE WITNESS: Let's keep going. You're  
20 going to keep asking the same questions and I'm --  
21 MR. ZABELL: It's her own time and she's  
22 slowly coming to an end.  
23 A Basically other employees and other  
24 business owners.  
25 Q Can you tell me -- withdrawn.

1 LOUIS VECCHIA  
2 to start at eight a.m., that's why he got a pickup  
3 truck, supposed to be at the job at eight a.m.  
4 Q When did he start -- withdrawn.  
5 When did he take the pickup truck home?  
6 A What do you mean when?  
7 Q In what year?  
8 A He had it for a few years.  
9 MR. WALLACE: Ten seconds.  
10 A I think it's an '07 or '06 pickup, so I got  
11 it brand new for him.  
12 MS. GOLDBERG: Ten-second break for a  
13 second.  
14 MR. ZABELL: Let the record reflect that  
15 counsel for the plaintiffs have left the room.  
16 (Short recess taken.)  
17 Q Can you tell me the names of the business  
18 owners that told you they saw Pracelis Mendez  
19 stealing --  
20 MR. ZABELL: Objection, asked and answered.  
21 A I don't recall.  
22 MR. ZABELL: If you want to waste your  
23 time, go ahead.  
24 A I don't recall.  
25 Q Can you recall the names of the employees

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1 LOUIS VECCHIA  
 2 who told you they saw Pracelis Mendez stealing?  
 3 A I don't recall those, either.  
 4 MR. ZABELL: That was asked and answered.  
 5 Q We'll turn back now to Exhibit 41.  
 6 Exhibit 41, for the record, is three pages.  
 7 Can you look on the second page; is that  
 8 your handwriting in the middle?  
 9 A That is my handwriting.  
 10 Q What did you write?  
 11 A I wrote 16 regular.  
 12 Q How many hours was Pracelis Mendez paid for  
 13 this week?  
 14 A Seventeen. Seventeen plus seven in cash.  
 15 Q I would ask you to look at Exhibit 42,  
 16 which also, for the record, is three pages.  
 17 Have you ever seen page one of Exhibit 42  
 18 before?  
 19 A No.  
 20 Q Is that your handwriting on the middle of  
 21 page two of Exhibit 42?  
 22 A Yes, it is.  
 23 Q What did you write?  
 24 A Twenty-four.  
 25 Q I'd ask you to look at Exhibit 43.

1 LOUIS VECCHIA  
 2 Paving?  
 3 A How many vehicles? All types, makes,  
 4 models? I mean you got to be -- can you be a little  
 5 more specific?  
 6 MS. GOLDBERG: Withdrawn.  
 7 Q Were any of the plaintiffs assigned  
 8 vehicles to drive?  
 9 A Some were.  
 10 Q Which ones?  
 11 A What time?  
 12 Q During 2005 to 2009.  
 13 MR. ZABELL: Don't ask her any questions,  
 14 she gets flustered; it's also not your job.  
 15 A I'm not sure, but there was a couple.  
 16 Q Was Nelson Quintanilla assigned a car?  
 17 A Who, what's his name?  
 18 Q Nelson Quintanilla.  
 19 A Oh, Victor, no.  
 20 Q Does Nelson Quintanilla also go by Victor?  
 21 A I don't know. I don't know. I'm not sure.  
 22 I'm just assuming that's who it is.  
 23 Q Was Alejandro Amaya assigned a car?  
 24 A I don't think he had a license, I think  
 25 Mendez picked him up every morning and brought him to

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1 LOUIS VECCHIA  
 2 A Aren't you going to ask me to look at the  
 3 second page, if that's what we paid or that was not  
 4 important?  
 5 Q We'll move onto Exhibit 43.  
 6 A Forty-three.  
 7 Q Exhibit 43, for the record, is two pages.  
 8 Have you ever seen the first page of  
 9 Exhibit 43 before?  
 10 A No.  
 11 Q Is that your handwriting on the second page  
 12 of Exhibit 43?  
 13 A Yes.  
 14 Q I'd like you to look at Exhibit 44.  
 15 Have you ever seen the first page of  
 16 Exhibit 44 before?  
 17 A No.  
 18 Q I ask you to look at the second page.  
 19 Is that your handwriting in the middle?  
 20 A Second page?  
 21 Q Yes, the second page.  
 22 A Yes, it is.  
 23 MR. ZABELL: You got your two-minute  
 24 warning, counselor.  
 25 Q How many vehicles do you have at Suffolk

1 LOUIS VECCHIA  
 2 work.  
 3 Q Was Alex Amir Arevalo assigned a car?  
 4 A Who?  
 5 Q Alex Amir Arevalo.  
 6 A No.  
 7 Q Was Maynor Fajardo assigned a car?  
 8 A No.  
 9 Q Was Walter Garcia assigned a car?  
 10 A No.  
 11 Q Was Jose Martinez assigned a car?  
 12 A No.  
 13 Q Was Pracelis Mendez assigned a car?  
 14 A Yes.  
 15 Q Was Osmar Fajardo assigned a car?  
 16 A No.  
 17 Q Was Javier Quintanilla assigned a car?  
 18 A No.  
 19 Q Was Edwin Rivera assigned a car?  
 20 A No.  
 21 Q Was Carlos Escalante?  
 22 A Yes.  
 23 Q Was Kevin Galeano?  
 24 A No.  
 25 Q Was Lerly Rodriguez assigned a car?

1 LOUIS VECCHIA

2 A No.

3 Q Was Jose Vega Castillo assigned a car?

4 A No.

5 Q Was Juan Quinteros assigned a car?

6 A No.

7 Q Was Marcos Tulio Perez?

8 A No.

9 Q So the only two plaintiffs that were  
10 assigned cars were Pracelis Mendez and Carlos  
11 Escalante; is that correct?

12 A Yes. Well, Carlos was actually the  
13 chauffeur, he went and picked up Renato, his personal  
14 chauffeur.

15 Q Did you have GPS systems installed in the  
16 cars of Pracelis and Carlos Escalante?

17 A I believe we did.

18 Q Do you recall when you installed those, the  
19 GPS systems?

20 A I'm not sure of the dates.

21 MR. ZABELL: Counselor, it is now 5:30.  
22 You have run out of your time.

23 MS. GOLDBERG: I don't believe that we have  
24 been conducting the deposition for seven hours.  
25 I'm ready and willing to proceed. If you're

1 LOUIS VECCHIA

2 was assigned a car?

3 A I don't remember.

4 Q Do you recall whether it was before 2007?

5 A I don't.

6 Q Why was a GPS record installed in the car?

7 MR. ZABELL: Objection to the form of the  
8 question.

9 MR. WALLACE: System, GPS system.

10 Q GPS system installed in the car.

11 MR. ZABELL: I'm sorry, are you withdrawing  
12 the previous question?

13 MS. GOLDBERG: Yes, I'll withdraw the  
14 previous question.

15 MR. ZABELL: Okay.

16 Q Why did you install a GPS system in the  
17 car?

18 A Why did we install them?

19 I don't even recall why we installed them.

20 I don't know why we installed them. They're a  
21 blessing, though.

22 Q Can you tell me how they worked?

23 A I believe they're globally tracked. I

24 believe that every two minutes you could tell where  
25 that vehicle is. Every minute or two minutes you could

1 LOUIS VECCHIA

2 stopping --

3 MR. WALLACE: Can you give us another half  
4 an hour?

5 MR. ZABELL: Hold on a minute, let me step  
6 outside with my client and discuss it.

7 MS. GOLDBERG: I also need to discuss it.  
8 (Short recess taken.)

9 MR. ZABELL: My client has graciously  
10 agreed to provide you with another 15 minutes of  
11 questioning.

12 MS. GOLDBERG: Thank you.

13 THE WITNESS: You're welcome.

14 Q Do you recall what year the GPS was  
15 installed in Pracelis' car?

16 MR. ZABELL: Objection.

17 A No.

18 MR. ZABELL: Asked and answered.

19 A I don't recall the exact time.

20 Q Do you recall whether it was before 2007?

21 A I don't.

22 Q Do you recall when Pracelis Mendez was  
23 assigned a car, what year?

24 A I don't remember.

25 Q Do you recall what year Carlos Escalante

1 LOUIS VECCHIA

2 tell where it is, you could tell where it started, you  
3 could tell when somebody left their house, you could  
4 tell when somebody . . . a 7 Eleven, you could tell  
5 when they're picking up their buddies. You could tell  
6 a lot of things.

7 Q So from the GPS records, you can tell the  
8 location --

9 A Oh, address.

10 Q Did you monitor the GPS system?

11 A Occasionally, occasionally.

12 Q When you say "occasionally" --

13 A I'm a very busy man, I barely have time --

14 you know, you hope that you have people that work for  
15 you and that are really caring and doing the right  
16 thing for the amount of money you pay them that you  
17 shouldn't have to watch GPS.

18 GPS works really well where I was doing a  
19 job -- I'll give you a for instance why GPS works very  
20 well.

21 I was doing a job in Oyster Bay and this  
22 tree fell on top of this guy's Mercedes and you know  
23 what he told me, my truck came by and knocked the tree  
24 down and that's why it fell on the Mercedes, but guess  
25 what, GPS report wasn't on that street the whole day.



1 LOUIS VECCHIA

2 Q Did you have occasion to look at the GPS  
3 every week?

4 A No, I don't have time for that.

5 Q Did you look at it every three weeks?

6 A You know what, really, every once in a  
7 while I just looked to see if, you know -- because it .

8 . . it does it itself it's looking, so if I think

9 something's in question, I'm going to go look at it.

10 If I have to spend time looking at that, I'm not going

11 to be productive or I'm going to be -- the men are

12 going to be robbing me what they should be doing or

13 what they shouldn't be doing, that's going to happen

14 rather than me sit there and watch them and get

15 aggravated watching them.

16 Q Was there something in Suffolk Paving's  
17 office where you could see it came up with the address  
18 of where the different vehicles were?

19 MR. ZABELL: Objection to the form of the  
20 question.

21 A What do you mean of where it was?

22 MR. ZABELL: You may answer. You may not  
23 ask her a question.

24 A I can't answer that, I don't know.

25 Q What was in -- withdrawn.

1 LOUIS VECCHIA

2 Was there anything in the Suffolk Paving  
3 office that allowed you to actually see where the  
4 vehicles were at that moment?

5 A See, you got to be a little more specific.

6 Q What was --

7 MR. ZABELL: No, she doesn't. You just  
8 have to answer the question if you can.

9 A See, no, there was nothing in there that I  
10 could see where the vehicle -- I can't see the vehicle  
11 from there.

12 Q How would you be able to track where the  
13 vehicles were at any given moment?

14 A I would go online.

15 Q So the tracking mechanism for you to see  
16 where your vehicles were was online?

17 A Yes.

18 Q Did you have reports generated regarding  
19 the GPS system in the cars?

20 A They're in trucks, pickup trucks.

21 (Pause.)

22 A Do we have reports? I believe we can  
23 make -- get reports, yeah.

24 Q Did you have reports regularly made from  
25 the GPS system?

1 LOUIS VECCHIA

2 A Occasionally. Yeah, like my wife was big  
3 on that, she gets an alert on her phone when somebody's  
4 speeding in one of our vehicles and she's not happy  
5 about that.

6 Q How many pickup trucks do you have?

7 MR. ZABELL: Please remove your fingers in  
8 front of your face, otherwise it's difficult to  
9 hear you.

10 A How many pickup trucks do I own?

11 Me or me and all my companies or . . .

12 MR. ZABELL: You don't get to ask her  
13 questions.

14 MS. GOLDBERG: I'll withdraw.

15 Q How many vehicles do you use for Suffolk  
16 Paving -- withdraw that question as well.

17 How many pickup trucks do you use for  
18 Suffolk Paving?

19 A Four or five.

20 Q Do all the trucks have the GPS system?

21 A Of course they do.

22 Q Was the GPS system in each vehicle  
23 installed at the same time?

24 A And when we bought newer trucks, we added  
25 them to them as the newer trucks came.

1 LOUIS VECCHIA

2 MS. GOLDBERG: I'm going to mark this as an  
3 exhibit.

4 (Plaintiff's Exhibit 45, copy of document  
5 entitled, "Teluware Fleet Management - Print View"  
6 three pages, was marked for identification.  
7 Exhibit retained by counsel.)

8 MS. GOLDBERG: And mark this.

9 (Plaintiff's Exhibit 46, copy of System  
10 Management Console website printout Bates stamped  
11 P 002882, P 002880 and P 002878, was marked for  
12 identification. Exhibit retained by counsel.)

13 (Handing.)

14 (Witness reviewing documents.)

15 Q I would ask that you look at Exhibit 45 and  
16 46, let me know when you've had time to review them.

17 (Handing.)

18 (Witness reviewing documents.)

19 A I'm good.

20 Q Let's look at Exhibit 45 first.

21 Do you recognize this and for the record,  
22 Exhibit 45 is three pages?

23 A Yes. This -- yes, I do recognize this.

24 Q What is this?

25 A Looks like a report that I was just

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1 LOUIS VECCHIA  
2 explaining to you about the . . . GPS reports.  
3 Q Did you receive these GPS reports on a  
4 regular basis?  
5 A No.  
6 Q How often during the course of a year did  
7 you review these records?  
8 A If I was home sick maybe, I went on the  
9 computer and looked on them to see what was going on  
10 for the day because I couldn't leave the house. I  
11 rarely did it.  
12 Q For what purposes did you use these  
13 reports?  
14 A What purposes?  
15 (Pause.)  
16 A Just general purposes. It seemed like the  
17 thing to do, everybody was getting them.  
18 Q Did the GPS system remain on at all times  
19 of the day every day?  
20 A They should, yeah.  
21 Q Who had the ability to turn off the GPS  
22 system?  
23 A Nobody.  
24 Q You see on the top left corner it says  
25 Teluware Fleet Management?

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1 LOUIS VECCHIA  
2 A Yes.  
3 Q Are they the company that creates these  
4 reports for you?  
5 A You can actually, I believe -- I think you  
6 can create the report yourself. I think what you can  
7 do is go online to the thing and just press print from  
8 a printer off a computer and it will print what the  
9 vehicle did. I don't know how long it stays active in  
10 the computer, you know, how much the . . .  
11 whatchamacallit . . .  
12 Q At the top, it says vehicle - 05.  
13 A Yes, this is vehicle number five.  
14 Q Who was assigned to that vehicle?  
15 A I don't know. For what day? When?  
16 Q For the time period listed on the exhibit,  
17 for 2008.  
18 A For 2008 from looking at this report?  
19 Q Yes, from these pages that you have in  
20 front of you.  
21 A Come on.  
22 Q Do you recall?  
23 A Please, can't you be a little smarter?  
24 These are all 2008 for this vehicle, this  
25 is only three pages of one day.

1 LOUIS VECCHIA  
2 Q But do you recall --  
3 A Or two days.  
4 Q But do you recall who was assigned vehicle  
5 five in 2008?  
6 A On this date?  
7 Q In 2008, do you recall who was assigned  
8 vehicle five?  
9 A No, I don't.  
10 Q Was there one person assigned to vehicle  
11 five for the entire year?  
12 A I don't even know what vehicle five is, I  
13 have to go look on the side of whatever truck that says  
14 05 on it.  
15 Q Did the --  
16 MR. ZABELL: Counselor --  
17 A Go ahead, keep going.  
18 Make a note that my -- the client's being a  
19 little more generous, as usual.  
20 MR. ZABELL: Hold on, Lou, hold on a  
21 second. Let's do this the right way.  
22 THE WITNESS: Okay.  
23 MR. ZABELL: You've used up the additional  
24 15 minutes that we've given you.  
25 We will provide you, as one last and final

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1 LOUIS VECCHIA  
2 courtesy, an additional 15 minutes. We will go to  
3 6:00, only if you agree that you will not request  
4 any additional time with Mr. Vecchia.  
5 MS. GOLDBERG: We cannot agree to that. We  
6 will be making a request to the court for an  
7 additional day.  
8 MR. ZABELL: Then it doesn't pay to give  
9 them any more time.  
10 THE WITNESS: Next time . . .  
11 MR. ZABELL: No, no, we should do this on  
12 the record. It doesn't pay to give them any  
13 additional time.  
14 THE WITNESS: Don't keep repeating  
15 questions. Ask me the question, I'm going to  
16 answer it the same every time. My answer's not  
17 going to change. Ask me the same question in a  
18 courtroom, on the courtroom, on the stand, ask me  
19 the same question.  
20 MR. ZABELL: Having said that, Lou, they're  
21 going to ask the court for more time.  
22 Do you want to be courteous and give them  
23 another 15 minutes?  
24 THE WITNESS: Not if we got to come back,  
25 we might as well go home. It's Friday, she might

LOUIS VECCHIA  
as well see her kids. We might as well go home.

If you're going to ask for more time, if the judge grants it, then we're going to do it. It doesn't make sense to do 15 minutes if the judge grants it, but it's just, you know, there was a lot of wasted time today, it was very insufficient. I would lose money today if it was one of my jobs, which I have.

MR. ZABELL: I think with that being said, the record is closed and just so it is clear, this deposition is ended, they have used more than their seven hours of deposition time. How they chose to use it is their own doing.

We were here, we were not disruptive, we even agreed to give them an additional 45 minutes, which has now turned into an additional 50 minutes.

I'm looking at my clock, I have 5:50, it is time to go.

MS. GOLDBERG: For the record, the deposition is not over, we will be seeking additional time from the court for this deposition. There are many areas that we did not cover. We I would say maybe got close to seven

## EXHIBITS

## PLAINTIFF'S EXHIBITS:

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	PAGE
16	Copy of Suffolk Asphalt Corp. Weekly Time Sheet NOE Bates stamped Def. Exh. A 000990 and attached pay stub	
17	Copy of Suffolk Asphalt Corp. Weekly Time Sheet NOE Bates stamped Def. Exh. A 000982 and attached pay stub	117
18	Copy of Suffolk Asphalt Weekly Time Sheet NOE Bates stamped Def. Exh. A 000972 and attached pay stub	146
19	Copy of Suffolk Asphalt Corp. Weekly Time Sheet NOE Bates stamped Def. Exh. A 000968 and attached pay stub	150
20	Copy of Suffolk Asphalt Corp. Weekly Time Sheet NOE Bates stamped Def. Exh. A 000969 and attached pay stub	150
	Copy of Suffolk Asphalt Corp. Weekly Time Sheet NOE Bates stamped Def. Exh. A 000966 and attached pay stub	
	Bates stamped Def. Exh. A 000967	151

LOUIS VECCHIA  
hours, but between the lunch period that we took and a couple of breaks that we took, it did not arrive to seven hours and so as I said, there's 16 plaintiffs in this case covering six years, there are hundreds of documents to be reviewed and we still have many areas to be explored.

MR. ZABELL: We got here at five minutes to ten, we started at four minutes to ten, we took -- defendants took no breaks, plaintiff took breaks, plaintiff wanted to take lunch, we accommodated them; we had a 35- or 40-minute lunch break. That's it. They chose to waste their time.

If you're incapable of conducting a seven-hour deposition in seven hours, we will not be held accountable for that. Shameful.

(Time noted: 5:50 p.m.)

LOUIS VECCHIA

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2011

NOTARY PUBLIC

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## PLAINTIFF'S EXHIBITS: (CONTINUED)

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	PAGE
21	Copy of WEEKLY TIME SHEET for Lerly Noe Rodriguez from 27-8-09 to 2-9-09 Bates stamped Def. Exh. A 001001 and attached SUFFOLK ASPHALT Weekly Time Sheet NOE	
22	Copy of WEEKLY TIME SHEET for Lerly Noe Rodriguez from 23 to 29 July Bates stamped Def. Exh. A 001004 and attached SUFFOLK ASPHALT Weekly Time Sheet	151
23	Copy of WEEKLY TIME SHEET for Lerly Noe Rodriguez from 9-09-09 to 09-16-09 Bates stamped Def. Exh. A 000977 and attached SUFFOLK ASPHALT Weekly Time Sheet	151
	Bates stamped Def. Exh. A 000950 and pay stub	
	Bates stamped Def. Exh. A 000951	151

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## PLAINTIFF'S EXHIBITS: (CONTINUED)

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24	Copy of WEEKLY TIME SHEET for Lerly Noe Rodriguez from 15 to 23 Sept. Bates stamped Def. Exh. A 00996 and attached SUFFOLK ASPHALT Weekly Time Sheet Bates stamped Def. Exh. A 000948 and pay stub Bates stamped Def. Exh. 000949	152
25	Copy of SUFFOLK ASPHALT Weekly Time Sheet NOE Bates stamped Def. Exh. A 000946 and attached pay stub Bates stamped Def. Exh. A 000947	152
26	Copy of SUFFOLK ASPHALT Weekly Time Sheet NOE Bates stamped Def. Exh. A 000944 and attached pay stub Bates stamped Def. Exh. A 000945	152
27	Copy of WEEKLY TIME SHEET for Lerly Noe Rodriguez Bates stamped Def. Exh. A 000998 and attached SUFFOLK ASPHALT Weekly Time Sheet NOE Bates stamped Def. Exh. A 000940 and pay stub Bates stamped Def. Exh. A 000941	152

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## PLAINTIFF'S EXHIBITS: (CONTINUED)

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33	Copy of WEEKLY TIME SHEET for P Mendez from 7-23 to 7 29 2009 Bates stamped Def. Exh. A 000552 and attached SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates stamped Def. Exh. 000508 and pay stub Bates stamped Def. Exh. 000509	154
34	Copy of WEEKLY TIME SHEET for Pracelis Mendez from 7-30 to 8-5-2009 Bates stamped P 0836 and attached SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000506 and pay stub Bates stamped Def. Exh. A 000507	154
35	Copy of WEEKLY TIME SHEET for P Mendez from 8-6 to 8-12-2009 Bates stamped P 0837 and attached SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000504 and pay stub Bates stamped Def. Exh. A 000505	154

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28	Copy of WEEKLY TIME SHEET for Lerly Noe Rodriguez Bates stamped P 0724 and attached SUFFOLK ASPHALT Weekly Time Sheet NOE Bates stamped Def. Exh. A 000960 and pay stub Bates stamped Def. Exh. A 000961	153
29	Copy of Suffolk Asphalt Corp. Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000541 and attached pay stub Bates stamped Def. Exh. A 000542	153
30	Copy of Suffolk Asphalt Corp. Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000539 and attached pay stub Bates stamped Def. Exh. A 000540	153
31	Copy of Suffolk Asphalt Corp. Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000527 and attached pay stub Bates stamped Def. Exh. A 000528	153
32	Copy of Suffolk Asphalt Corp. Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000512 and attached pay stub Bates stamped Def. Exh. A 000513	154

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## PLAINTIFF'S EXHIBITS: (CONTINUED)

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	PAGE
36	Copy of WEEKLY TIME SHEET for P Mendez from 8.13 to 8-19-2009 Bates stamped Def. Exh. A 000551 and attached SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000502 and pay stub Bates stamped Def. Exh. A 000503	155
37	Copy of WEEKLY TIME SHEET for Pracelis Mendez from 8-20 to 8-26-2009 Bates stamped P 0839 and attached SUFFOLK ASPHALT Weekly Time Sheet Bates stamped Def. Exh. A 000550 and SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000509 and pay stub Bates stamped Def. Exh. A 000501	155
38	Copy of WEEKLY TIME SHEET for Pracelis Mendez from 9-03 to 9-09-2009 Bates stamped Def. Exh. A 000548 and attached SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000496 and pay stub Bates stamped Def. Exh. A 000497	155



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39	Copy of WEEKLY TIME SHEET for P. Mendez from 9-17 to 9-23-2009 Bates stamped Def. Exh. A 000547 and attached SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000494 and pay stub Bates stamped Def. Exh. A 000495	156
40	Copy of WEEKLY TIME SHEET for P. Mendez from 9-24 to 9-30-2009 Bates stamped P 0834 and attached SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000492 and pay stub Bates stamped Def. Exh. A 000493	156
41	Copy of WEEKLY TIME SHEET for P. Mendez from 10-1 to 10-7-2009 Bates stamped P 0834 and attached SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000490 and pay stub Bates stamped Def. Exh. A 000491	156

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42	Copy of WEEKLY TIME SHEET for Pracelis Mendez from 10-8 to 10-14-2009 Bates stamped Def. Exh. A 000546 and attached SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000488 and pay stub Bates stamped Def. Exh. A 000489	156
43	Copy of WEEKLY TIME SHEET for P. Mendez from 10-22 to 10-28-2009 Bates stamped P 0869 and attached SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000482 and pay stub Bates stamped Def. Exh. A 000483	157
44	Copy of WEEKLY TIME SHEET for P. Mendez from 10-29 to 11-11-2009 Bates stamped Def. Exh. A 000544 and attached SUFFOLK ASPHALT Weekly Time Sheet MENDEZ Bates stamped Def. Exh. A 000484 and pay stub Bates stamped Def. Exh. A 000485	157
45	Copy of document entitled, "Teluware Fleet Management - Print View" three pages	221
46	Copy of System Management Console website printout Bates stamped P 002882, P 002880	

## CERTIFICATE

STATE OF NEW YORK )  
: SS.:  
COUNTY OF SUFFOLK )

I, JOANN O'LOUGHLIN, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of July, 2011.

JOANN O'LOUGHLIN

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COPY

Page 262

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

NELSON QUINTANILLA, ALEJANDRO AMAYA, ALEX  
AMIR AREVALO, MAYNOR FAJARDO, WALTER GARCIA,  
JOSE L. MARTINEZ, PRACELIS MENDEZ, OSMAR W.  
PAGOADA, JAVIER QUINTANILLA, EDWIN RIVERA,  
CARLOS ESCALANTE, KEVIN GALEANO, LERLY NOE  
RODRIGUEZ, JOSE VEGA CASTILLO, JUAN  
QUINTEROS, and MARCOS TULIO PEREZ,

Plaintiffs,

Case No.:  
CV-09-5331 (SJF) (WDW)

-against-

SUFFOLK PAVING CORP., SUFFOLK ASPHALT CORP.,  
LOUIS VECCHIA, CHRISTOPHER VECCHIA, HELENE  
VECCHIA and JOHN DOES 1-5,

Defendants.

- - - - -X

4875 Sunrise Highway  
Bohemia, New York

December 30, 2011  
1:57 p.m.

CONTINUED EXAMINATION BEFORE TRIAL of  
LOUIS VECCHIA, one of the defendants in the  
above-entitled action, held at the above time and  
place, pursuant to Order, taken before JoAnn  
O'Loughlin, a Notary Public of the State of New  
York.



A P P E A R A N C E S:

LAW OFFICES OF LAUREN GOLDBERG, PLLC  
Attorney for Plaintiffs  
501 Fifth Avenue  
New York, New York 10017

BY: LAUREN GOLDBERG, ESQ.

LAW OFFICES OF IAN FRANCIS WALLACE, PLLC  
Attorney for Plaintiffs  
501 Fifth Avenue  
New York, New York 10017

(NOT PRESENT)

ZABELL & ASSOCIATES, P.C.  
Attorneys for Defendants  
SUFFOLK PAVING CORP., LOUIS VECCHIA and  
HELENE VECCHIA  
4875 Sunrise Highway  
Bohemia, New York 11716

BY: SAUL D. ZABELL, ESQ.

\* \* \*

1  
2 L O U I S V E C C H I A, the witness herein,  
3 having been previously sworn by the Notary Public,  
4 was examined and testified as follows:

5 MR. ZABELL: I just want to note for the  
6 record that it is 1:57. Your three and a half  
7 hours has already begun, we're reserving our right  
8 to review the transcript at the immediate  
9 conclusion of this deposition. Proceed.

10 CONTINUED EXAMINATION BY MS. GOLDBERG:

11 Q Mr. Vecchia, my name is Lauren Goldberg. I  
12 deposed you in June, I'm one of the attorneys that  
13 represents the plaintiffs in this matter. I'm going to  
14 finish your deposition today.

15 Are you feeling well enough to be deposed  
16 today?

17 A I think so, yes.

18 Q Is there --

19 MR. ZABELL: I note on the record that all  
20 of my objections to form and to any other relevant  
21 basis have been reserved by order of the court.

22 You may continue.

23 Q Are you feeling okay today?

24 A Sure.

25 Q Have you had any medication in the last 24

LOUIS VECCHIA

1

2 hours?

3 A No.

4 Q Have you had any alcohol in the last 24  
5 hours?

6 A No.

7 Q Is there any reason why you wouldn't be  
8 able to answer my questions truthfully today?

9 A No, there's no reason.

10 Q If you do not understand any of my  
11 questions, please tell me and I'll do my best to  
12 rephrase the question.

13 I would just like to remind you of two  
14 things. The first is that only one of us can speak at  
15 a time since the court reporter is taking down  
16 everything that we say. The second thing is that you  
17 cannot answer any of my questions with gestures as the  
18 court reporter also cannot note gestures, so it has to  
19 be a verbal response.

20 Are you ready to proceed with the  
21 deposition?

22 A Yes.

23 Q Can you tell me, when you have a paving  
24 job, who is usually the first to arrive at the job  
25 site?

LOUIS VECCHIA

1

2 A Rephrase that question again, please.

3 Q When you have a paving job, is there a  
4 certain type of worker: a linesman, a paver, a roller,  
5 whoever that may be; is there a certain type of worker  
6 that arrives first at the job site?

7 A It depends.

8 Q So at certain jobs, the entire crew arrives  
9 at once?

10 A At times.

11 Q Is that often the way it's done?

12 A At times.

13 Q So there's no regularity with which the  
14 sequence of employees arrive at a job site?

15 A It depends on the job, itself. Ask me a  
16 specific job.

17 Q What is usually the first step in a paving  
18 job?

19 A What type of paving job?

20 Q If you're going to pave part of a city  
21 road.

22 A What's existing?

23 Q If you are going to be repaving part of a  
24 city road, what is the first thing you do at a job site  
25 when you arrive?



1 LOUIS VECCHIA

2 A So you're saying we're repaving then a city  
3 road? What's the question?

4 MR. ZABELL: Lou, I'm just going to put it  
5 out there, I understand. She already advised you  
6 if you don't understand the question, you should  
7 tell her that. You don't get to ask her  
8 questions.

9 A I don't understand the question.

10 Q Again, exactly. If you don't understand my  
11 question, just say you don't understand the question.

12 A Sorry.

13 Q If you are going to repave a road that's  
14 already existing, but in terrible condition, is there a  
15 certain step that is always first?

16 A No.

17 Q So the sequence of events can entirely  
18 change depending on the specific job that you're doing;  
19 is that correct?

20 A That is correct.

21 Q When you're doing a paving job, again,  
22 let's say repaving a road, a city road, do all of the  
23 workers finish at the exact same time?

24 A Sometimes.

25 Q At other times, are there employees who are

1 LOUIS VECCHIA

2 done with their specific task so they're able to leave  
3 the job site earlier than others?

4 A Sometimes.

5 Q Can you tell me the names of the workers on  
6 the job sites; for example, are there rollers, are  
7 there linesmen, are there drivers; please list for me  
8 the titles of the workers that you have on a job site?

9 (No response.)

10 Q Don't look to your attorney. Your attorney  
11 has been instructed by the court to not say anything  
12 during this deposition and that all his rights have  
13 been preserved.

14 MR. ZABELL: Counselor, I am warning you,  
15 keep a civil tongue in your mouth. If my client  
16 wants to look at me, he can look at me; are you  
17 clear?

18 MS. GOLDBERG: That's the first comment.  
19 The next time we just will be calling the judge.

20 MR. ZABELL: You can call the judge right  
21 now. You are not in a position to advise my  
22 client not to look at me. Be guided accordingly,  
23 counsel.

24 Q Please list the names of the individuals at  
25 the job sites.

LOUIS VECCHIA

1

2 A Which type of job site?

3 Q Again, let's say repaving, repaving a city  
4 road.

5 A There's chauffeurs, there are operator  
6 engineers and there are laborers.

7 Q Are there any other types of workers that  
8 are on the job sites for such a job?

9 A There could be sometimes.

10 Q Who would those be people be?

11 A Depends on who's there.

12 Q Can you give me an example of someone else  
13 that might be there?

14 A You can have an engineer there, you can  
15 have an inspector there, you can have a neighbor there,  
16 one of the residents could come out.

17 Q I'm referring to employees of yours that  
18 would be there.

19 What other types of workers would be there  
20 that you employ?

21 A I can't ask a question, right?

22 I'm not sure.

23 Q Are there truck drivers that participate in  
24 these paving jobs?

25 A Those would be considered the -- yes.

1 LOUIS VECCHIA

2 Q What do those drivers do?

3 A When?

4 Q What are their responsibilities on the job  
5 site?

6 A Depends.

7 Q What does it depend on?

8 A What they're asked to do.

9 Q Can you give me an example of something  
10 that they might be asked to do?

11 A Drive the truck to a certain spot.

12 Q What would the truck contain possibly?

13 A Depends on what we're doing. If it's -- it  
14 could be asphalt.

15 Q The truck drivers of the vehicles, are  
16 those what you referred to as chauffeurs?

17 A Those are the chauffeurs, yes.

18 Q Do the chauffeurs generally arrive first on  
19 the scene of a job site?

20 A They have.

21 Q Sometimes or always?

22 A Depends.

23 Q Is there something specific that it depends  
24 on?

25 A Yeah, if the crew didn't make it there on



1 LOUIS VECCHIA

2 time if they stopped for breakfast for a half hour  
3 instead of getting to the job when they were supposed  
4 to, yes, the trucks might get there first.

5 Q Are the truck drivers supposed to get there  
6 before the rest of the crew?

7 A Really should all be simultaneously, it  
8 shouldn't really be . . .

9 Q So everyone should be arriving at the site  
10 at approximately the same time; is that correct?

11 A Sometimes.

12 Q When are the circumstances when that's not  
13 the case?

14 A I'm not sure of that question.

15 Q Well, you just stated just a moment ago  
16 that it usually happens simultaneously, meaning the  
17 drivers and the crew arrive together; is that correct,  
18 that's what you just testified, we can have JoAnn read  
19 it back if you don't recall?

20 MR. ZABELL: I think that would be a good  
21 idea to have the question read back.

22 THE WITNESS: Yes.

23 (The pending question was read.)

24 Q Again, I'm just trying to clarify, you had  
25 said that it's not that the drivers arrive at the site

LOUIS VECCHIA

first, it should be simultaneously with the rest of the crew; is that correct?

A You would like it that way.

Q So that's how it should be then, is that what you're saying?

A You would like it to be that way, yes.

Q Okay.

When you have paving jobs, are there time constraints that you're working against when you do a paving job?

A Sometimes.

Q What could those time restraints be?

A Where?

Q Well, if you're paving a road, do you have to make sure that the pavement is down before it gets to be 3:00 and it gets too cold to finish the rest of the road; is that correct?

A No, not at 3:00. In the morning or -- a.m. or p.m.?

Q I asked whether there were any time constraints that you have when you're doing a paving job.

A What type of paving job, there's . . .

Q In any type of paving job that you've ever

LOUIS VECCHIA

done, what are the time constraints that you have, if  
any?

A Some you do, some you don't.

Q Okay. The ones that you do have time  
constraints, what are those constraints?

A They're all different.

Q Can you give me an example?

A Sometimes you could get a specific permit  
job for a state job and you would wait for traffic to .  
. . the outbound traffic, people going to work, so  
you'd start at nine a.m. and then by three p.m. you  
have to be done.

Q So is it accurate then to say that on  
certain jobs, you have to get the job done within a  
specified time?

A Depending on the job and depending on the  
governmental agency and what they want you to do.

Q Has that ever been the case in any of your  
jobs where you had to get the job done in one day?

A In one day?

Q In one day.

A I'm confused by the question. You went  
from two different things to -- you're confusing. One  
day or time frames, which question are you asking me?

1 LOUIS VECCHIA

2 Q Again, just stick with my question. If you  
3 don't understand it, just tell me you don't understand.

4 A I don't understand it.

5 Q Have you ever had to complete a paving job  
6 in one day?

7 A Like was I told to?

8 Q Yes. Were you told to complete a paving  
9 job in one day?

10 A I'm sure I was asked a lot of times.

11 Q Have there been other occasions where you  
12 only have a specified amount of time to complete a job?

13 A I'm not sure of the question.

14 Q Well, a minute ago you just gave an example  
15 as to where on one type of paving job you might be told  
16 that you have to start at nine because of the traffic  
17 and you have to end by three, so that would be an  
18 example of a situation where there's a time constraint  
19 because you can only work certain hours.

20 Do you understand what I mean by "time  
21 constraint"?

22 A Oh, yes. We get contracts that we have 165  
23 days to complete jobs, yeah, we get time restraints.  
24 We have certain jobs that have to be done in a certain,  
25 you know, timely fashion, yes.



1 LOUIS VECCHIA

2 Q Is it accurate to say that the start time  
3 of the pavers all depends on the job that you're doing  
4 that day?

5 A I don't understand that question.

6 Q You have start times that all of the  
7 employees have to start working every day; is that  
8 correct?

9 A Yes, we like to start the jobs at a  
10 reasonable time, yes.

11 Q You tell your employees when the job is  
12 going to start; is that correct?

13 A At times, yes.

14 Q Are there times where you don't tell your  
15 employees what time the job is going to start?

16 A Some of the employees I don't tell, yes.

17 Q How do they know how to arrive at the job  
18 site?

19 A They ask one of the other employees.

20 Q For the job sites that you have a start  
21 time for, how do you determine when you're going to  
22 start the project?

23 A How do we determine?

24 Q How do you determine a start time?

25 A Usually every day for years we start paving

LOUIS VECCHIA

1  
2 anywhere or anything between 7:30 and 8:00 every day.  
3 Usually. Unless we have one of those nine to threes.

4 Q Are there occasions where you start jobs  
5 prior to 7:30?

6 A Occasionally.

7 Q When you need to start any time in the  
8 morning, especially if it's prior to 7:30, do you  
9 change the start time if you're under a time  
10 constraint?

11 A No.

12 Q Have you ever started a job at six a.m. in  
13 the morning?

14 A I'm not sure.

15 Q Have you ever started a job at 5:30 in the  
16 morning?

17 A I'm not sure.

18 Q Would it be fair to say that if you know  
19 you're under a time constraint and you have to get the  
20 job done and you need a longer period of time, you  
21 start earlier in the day?

22 A But if the time restraint's from nine to  
23 three, why would you start earlier in the day?

24 Q Let's say the time constraint --

25 MR. ZABELL: Don't ask her any questions.

1 LOUIS VECCHIA

2 If that's how you feel, you let counsel know how  
3 you feel.

4 Q Are there occasions where you work past  
5 three p.m.?

6 A Yes.

7 Q So when you have a project that you know is  
8 going to take, let's say, nine hours or ten hours and  
9 you know you need to get it done in one day, do you  
10 push back the start time to start earlier that day?

11 A No.

12 Q Is it important for your crew to arrive on  
13 time to job sites?

14 A Be nice if they did, yes.

15 Q Is it important?

16 A It should be to them, yes.

17 Q I want to show you what's been marked  
18 already as exhibits 6 and 59.

19 MR. ZABELL: Do you have copies of those  
20 exhibits, counselor?

21 MS. GOLDBERG: I have 6 for you. I know 59  
22 was given out at the last deposition, so I didn't  
23 make multiple copies of the exhibits.

24 MR. ZABELL: So you don't have copies of  
25 them for me?

1 LOUIS VECCHIA

2 MS. GOLDBERG: Well, 59 was already  
3 provided, I don't know about 6, so I provided 6.

4 (Handing.)

5 MS. GOLDBERG: But 59 is certainly already  
6 provided.

7 Q Please review what I've given you, Exhibit  
8 6 and 59 and after you've had a chance to review them,  
9 you can look up and let me know that you've had time to  
10 review them.

11 (Witness reviewing documents.)

12 Q Looking at Exhibit 6, do you recognize  
13 Exhibit 6?

14 A From just reviewing it, I do, yes.

15 Q So just for the record, Exhibit 6 is two  
16 pages.

17 What do you recognize the first page to be,  
18 P 003576?

19 A I'm sorry?

20 Q Just for the court reporter, I just noted  
21 what the Bates numbers are.

22 A Oh, I'm sorry. Okay.

23 I noticed that this is the truck drivers  
24 are being told to I guess get to the -- 5:30 a.m. on  
25 the job, must be paving by six.



1 LOUIS VECCHIA

2 Q Well, first I'd like you to just answer my  
3 question.

4 Do you recognize this document?

5 A Not . . . I mean now looking at it I  
6 recognize it, but I mean I don't recall it.

7 Q Have you ever seen such a document before?

8 A I've seen a lot of documents.

9 Q Have you ever seen this type of document  
10 before?

11 A Not till just now, maybe in the past.

12 Q Is this a daily sheet that was given to the  
13 employees at Suffolk Paving?

14 A It says it's a daily schedule, yes.

15 Q Do you know who made it?

16 A No.

17 Q Did you see these sheets around the time  
18 that they were made?

19 A No.

20 Q Do you know whether they're given to the  
21 workers?

22 A At times I believe they are.

23 Q Are they regularly given to workers?

24 A Some of them.

25 Q Which ones are given the daily sheets?

1 LOUIS VECCHIA

2 A Usually whichever ones are driving.

3 Q The drivers are given the daily sheets?

4 A Whoever's driving, yeah.

5 Q Was there a certain name you gave this  
6 sheet; were they called daily sheets?

7 A I think daily schedule's what it says here.

8 Q Would these be given to the employees the  
9 night before?

10 A No. What would happen is the employees . .  
11 . we've been through this already, haven't we?

12 Q Mr. Vecchia, I'm allowed to ask the  
13 question.

14 A Didn't you ask me this already?

15 Q I did not ask you this already and even if  
16 I did, I'm allowed to ask them again, but I have not  
17 asked these questions. We never discussed this sheet  
18 actually.

19 A No, but we've asked if daily schedules or  
20 this was given to --

21 Q Please just answer my question.

22 A I'd like to know what my answer was prior.

23 (No response.)

24 A I believe I've answered this question  
25 already. I mean I believe I answered this already.

1 LOUIS VECCHIA

2 Q Then you need to answer it again.

3 A Am I allowed to go back to my transcripts  
4 and find out what my answers were?

5 Q No.

6 A I'm not allowed to?

7 Q No. I'm asking this question about this  
8 sheet --

9 MR. ZABELL: You can ask her. If she's  
10 refusing to allow you to do that, it just has to  
11 be on the record, but that's . . . I'm not  
12 coaching, I'm not --

13 A What's your question again, I'm sorry?

14 Q These daily schedules that you're looking  
15 at, the first page of Plaintiff's Exhibit 6, accurate  
16 to say that this is a daily schedule?

17 A Yes, it says it's a daily schedule.

18 Q This schedule, as you've testified, was  
19 given out to certain employees, correct, that's what  
20 you just testified?

21 A Yes.

22 Q You testified that it was usually the  
23 drivers who received these sheets, correct?

24 A Yes.

25 Q So my question is this, when were the

1 LOUIS VECCHIA

2 drivers given these sheets; was it the night before the  
3 assignment?

4 A Sometimes.

5 Q If it was not the night before the  
6 assignment, when else would it be?

7 A The morning of.

8 Q Where would they be given these daily  
9 schedules?

10 A I believe in the dispatch room.

11 Q Is that at Suffolk Paving in North Dunton?

12 A Yes.

13 Q Were they usually given the day of or were  
14 they usually given out the night before?

15 A They were given out sometimes the night  
16 before and sometimes the morning of.

17 Q I ask you to look at page two of Exhibit 6.  
18 Is that also a daily schedule of Suffolk  
19 Paving?

20 A That's what it says, yes.

21 Q I'd ask you to look at Exhibit 59 as well.  
22 Exhibit 59 is ten pages.

23 Will you look at all ten pages of Exhibit  
24 59?

25 A Am I through with Exhibit 6 right now?



1 LOUIS VECCHIA

2 Q You can put Exhibit 6 to the side right  
3 now, but looking at Exhibit 59 is ten pages.

4 A Okay.

5 Q Have you looked at every page?

6 A I breezed through some of them, yes or most  
7 of them.

8 Q Is it fair and accurate to say that every  
9 page is also one of those daily schedules that was  
10 given out to some of the employees?

11 (Witness reviewing document.)

12 A They all say these are daily schedules,  
13 yes.

14 Q Did you ever have an occasion to give these  
15 daily schedules out to employees other than drivers?

16 A Ask the question again, please.

17 Q Was there ever an occasion where you gave  
18 out the daily schedules to workers besides the drivers?

19 A No. There should be no reason why.

20 Q So it was basically just the drivers who  
21 received the daily schedules?

22 A Yes. Whoever was driving one of our  
23 vehicles, yes.

24 Q Did they either receive the daily schedule  
25 the morning before a job or the day of the job?

1 LOUIS VECCHIA

2 A Say that again, please.

3 Q Would the drivers either receive the daily  
4 schedules the night before a job or the day of the job?

5 A Sometimes they would do one or the other.

6 Q For each new job, for each new job, did you  
7 have to give the drivers a daily schedule so that they  
8 would know what they were supposed to do?

9 A Say that question again.

10 Q Did you give the drivers a daily schedule  
11 for each day?

12 A Did I, did Louis Vecchia?

13 Q Did anyone at Suffolk Paving --

14 MR. ZABELL: Just answer the question.

15 Don't ask her questions.

16 A Which time, the night before or the morning  
17 of?

18 Q I'm saying for every day of the week Monday  
19 to Friday, did the drivers receive a daily schedule for  
20 each day?

21 A Usually.

22 Q Were the daily schedules stored on the  
23 computers at Suffolk Paving?

24 A I don't know, I'm not a computer whiz.

25 Q Who would know that?

1 LOUIS VECCHIA

2 A I guess anybody that's a computer whiz. I  
3 don't know if they store them or -- I don't know, I  
4 have no idea.

5 Q Did you retain copies of these documents,  
6 of the daily schedules?

7 A Did I retain them myself?

8 Q Did Suffolk Paving retain copies of these  
9 schedules?

10 A I believe they did.

11 Q When you say you believe they did, what  
12 makes you believe they did?

13 A Because we have lots of boxes all over the  
14 place.

15 Q Who would have been responsible for  
16 retaining the documents?

17 A I guess whoever filed them.

18 Q Who would be filing them?

19 A No idea.

20 Q So if you look, now I am going to ask you  
21 to turn back to Exhibit 6 for a minute, if you look at  
22 the first page of Exhibit 6 and you see, for example,  
23 there is a list of employees who are listed in the  
24 upper left-hand corner about; you see those names?

25 A Yes.

1 LOUIS VECCHIA

2 Q Renato, Carlos, Marcos, Jose C, Juan,  
3 Kevin, Noe, Walter, Victor; you see those names?

4 A Yes.

5 Q There's other names as well: Kenny, Danny,  
6 Raymond, Bill D, Guy, Tex, Tommy, Junior.

7 Are all those individuals that were working  
8 for Suffolk Paving on that day?

9 A Are all those --

10 Q Were all those listed employees working for  
11 Suffolk Paving that day?

12 A I don't know.

13 Q Now you see where it says 5:30 at the  
14 plant, sort of across from Renato and Kenny on the  
15 right-hand side?

16 A Yes, that's Kenny 5:30 at plant.

17 Q So what does Kenny 5:30 at plant mean?

18 A I guess Kenny was to report to the plant at  
19 5:30.

20 Q Again, when you say "at plant," is that  
21 referring to the offices of Suffolk Paving?

22 A No.

23 Q What plant are you referring to?

24 A The asphalt plant.

25 Q Where is the asphalt plant?



1 LOUIS VECCHIA

2 A I don't know. It doesn't really say where  
3 we were working that day, so I don't know what plant;  
4 there's about 15 plants on Long Island.

5 Q So depending on where your job is, there's  
6 different plants that you arrive to?

7 A Arrive to.

8 Q What material do you get at those plants?

9 A They're asphalt plants, so typically we get  
10 asphalt; sometimes they store other materials that we  
11 might need that we might get, also.

12 Q So the drivers are to go to the plant,  
13 obtain the materials and then go to the job site with  
14 the materials; is that correct?

15 A Correct.

16 Q So then do you see the general note, it  
17 says 5:30 a.m. on job and then the note must be paving  
18 by six a.m., so can you tell me on this list who was  
19 expected to be on the job by 5:30 a.m., is that  
20 everybody listed on this document?

21 A It's not really being that specific, I  
22 don't know. It's very vague.

23 Q So this note, it says must be paving by  
24 six a.m.; do you see that note?

25 A Yes.

1 LOUIS VECCHIA

2 Q If you were to be paving by six a.m., is  
3 there preparation work that would need to be done prior  
4 to your starting actual paving?

5 A No.

6 Q So the employees then would be able to show  
7 up the moment they're expected to be paving?

8 A They should.

9 Q So why then above that does it say 5:30  
10 a.m. on job?

11 A I don't know.

12 Q Is there a reason why this job started at  
13 5:30 a.m.?

14 A Today looking at this, I have no idea.

15 Q Is it likely that you started at 5:30 a.m.  
16 because you had a time constraint under which you were  
17 performing this job?

18 A No, it says Town of Brookhaven. Usually we  
19 are not allowed to pave till . . . I think seven is  
20 like the earliest or seven -- some places don't like  
21 the neighbors getting disturbed too early, this could  
22 be a misprint.

23 Q So I'd ask you to look at the second page  
24 of Exhibit 6.

25 A Okay.

1 LOUIS VECCHIA

2 Q Do you sort of see not exactly in the  
3 middle of the page, but more on the left upper it says  
4 again 5:30 a.m. on job, must be paving by six a.m.;  
5 again, do you recall why this particular job started at  
6 5:30 a.m.?

7 A No.

8 Q Do you also believe that this page is a  
9 misprint as well?

10 A Oh, I don't know if it is or it isn't, I'm  
11 just not sure.

12 Q So it might be accurate?

13 A Yeah. I just . . . I'm not sure. I don't  
14 really recall, this is probably, you know, if it was a  
15 very rare thing, I don't really recall the day or why  
16 or how.

17 Q Is it fair to say that Exhibit 6 and  
18 Exhibit 59 are accurate copies of the daily schedules  
19 of Suffolk Paving?

20 A It's hard to say. They could be, they  
21 couldn't be.

22 Q What makes you believe that they might not  
23 be?

24 A Because I'm an original type, usually I  
25 like to see originals, so it's a copy.

1 LOUIS VECCHIA

2 Q Where would the original be?

3 A I have no idea.

4 Q Did you use the daily schedules throughout  
5 2009?

6 A What do you mean use, can you say that  
7 again?

8 Q Did you get the drivers' daily schedules  
9 for all of 2009?

10 A I believe so.

11 Q Did you also use daily schedules in 2008?

12 A Yes, I believe we did.

13 Q Again, these daily schedules were created  
14 by Suffolk Paving?

15 A By the individuals in Suffolk Paving?

16 Q By individuals in Suffolk Paving; is that  
17 correct?

18 A I believe so, yes.

19 Q They were generated daily to inform the  
20 drivers of where they needed to go, either that day or  
21 the following day, correct?

22 A This daily schedule was made up for a  
23 guideline, sometimes accurate, sometimes inaccurate,  
24 to -- yeah, was a guideline to follow, yes.

25 Q Is there anything on either one of these



1 LOUIS VECCHIA

2 documents, Exhibit 59 or Exhibit 6, that makes you  
3 believe these are not accurate copies of the daily  
4 schedules that they purport to be?

5 A Oh, no, they're just copies, I don't know  
6 if they are or they aren't.

7 Q Did you have disciplinary procedures at  
8 Suffolk Paving?

9 A Mostly discussed.

10 Q When you say "mostly discussed," what do  
11 you mean?

12 A It was . . . disciplinary is when you  
13 pretty much have to discipline somebody because you're  
14 disappointed in something they were doing or not doing.

15 Q Did you have procedures that were written  
16 out defining what the disciplinary procedures were?

17 A With who, with whom?

18 Q With your employees.

19 A Which ones?

20 Q All of your employees.

21 A Most of the -- some -- let's talk about the  
22 chauffeurs. Pretty much you could explain to them what  
23 they needed to do and they did it. Some of your  
24 operators you're able to do that. Most of your  
25 laborers, you try and there is a communication barrier

1 LOUIS VECCHIA

2 that comes in the way, it's known as selective  
3 understanding English, selective, not sometimes, so you  
4 would have liked to have thought you were getting your  
5 point across, whatever the disciplinary thing might  
6 have been, but when you would actually ask them at  
7 times to either, you know, write it down, there was a  
8 communication gap.

9 Q I'm going to rephrase my question because  
10 you didn't answer my question.

11 A I'm sorry.

12 Q Were there any written policies you had  
13 written out regarding the disciplinary procedures?

14 A Most of the disciplinary thing -- whatever  
15 we did disciplinary or whatever we asked of was in the  
16 dispatch room on our poster boards and was pretty much  
17 there for them to read.

18 Q Did you have any document that would  
19 specify step one of a disciplinary would be oral  
20 discussion; step two, for example, would be a written  
21 notification, that's what I'm talking about?

22 Did you have any such type of written out  
23 policy regarding what your disciplinary procedures  
24 were?

25 A With what company?

1 LOUIS VECCHIA

2 Q With Suffolk Paving.

3 A Suffolk Paving?

4 (Pause.)

5 A I don't think so, no.

6 Q Did Suffolk Asphalt have any written out  
7 policies regarding their disciplinary procedures?

8 A You'd have to ask Christopher that, but I  
9 believe the unions pretty much have that, right, they  
10 don't allow you to have anything. You'd have to ask  
11 Christopher that.

12 Q Did you have any disciplinary procedures  
13 that you used at Suffolk Paving?

14 A Most of them common sense. Just asked for  
15 common sense is all I asked for.

16 Q Have you ever loaned money to Alejandro  
17 Amaya?

18 A I could have.

19 Q You don't recall?

20 A I'm sure I could have. No, not this time,  
21 but I could have.

22 Q Have you ever loaned money to Alex Amir  
23 Arevalo?

24 A I'm not sure even who that is.

25 Q Have you ever loaned money to Nelson

LOUIS VECCHIA

1

2 Quintanilla?

3 A I'm sure.

4 Q Have you ever loaned money to Walter

5 Garcia?

6 A I'm sure.

7 Q Have you ever loaned money to Jose

8 Martinez?

9 A I'm not sure.

10 Q Have you ever loaned money to Osmar

11 Pagoda?

12 A I don't think so.

13 Q Have you ever loaned money to Javier

14 Quintanilla?

15 A I could have.

16 Q Have you ever loaned money to Edwin Rivera?

17 A I'm sure.

18 Q Have you ever loaned money to Kevin

19 Galeano?

20 A Could have.

21 Q Have you ever loaned money to Lerly Noe

22 Rodriguez?

23 A I'm not sure.

24 Q Have you ever loaned money to Jose Vega

25 Castillo?

1 LOUIS VECCHIA

2 A I could have.

3 Q Have you ever loaned money to Juan  
4 Quinteros?

5 A I don't think so.

6 Q Have you ever loaned money to Marcos Tulio  
7 Perez?

8 A I could have.

9 Q Do you believe that Alejandro Amaya owes  
10 you money today?

11 A I'm not sure.

12 Q Why are you not sure?

13 A 'Cause I usually never kept track of it.  
14 Sometimes, you know, they could have asked for a  
15 hundred dollars or this or that and I wouldn't even get  
16 it back from them.

17 Q Are you referring to Alejandro Amaya or are  
18 you talking about all of your employees?

19 A Most of them.

20 Q So is your testimony that you have loaned  
21 money to most of your employees at one time or another?

22 A Unfortunately.

23 Q When you made those loans, did you keep  
24 track of them?

25 A I tried to.



LOUIS VECCHIA

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2

Q How would you keep track of them?

3

A Depended on the size of the loan.

4

Q What would you consider a big loan?

5

A A big what?

6

Q A big loan. A sizeable loan.

7

A I guess anything over \$500.

8

Q Would you keep track of the loans that you

9

made that were over \$500?

10

A I would try to.

11

Q How would you try to?

12

A By writing it down.

13

Q Where would you write it down?

14

A Depends on where I was at the time.

15

Q Where you were at the time that you made

16

the loan?

17

A Yes.

18

Q So let's say you were in the office at

19

Suffolk Paving when you gave the loan, where would you

20

record the loan?

21

A Which loan?

22

Q Any loan that you gave out while you were

23

at the office of Suffolk Paving.

24

A Either try to get one of the girls write

25

something up and I'd just sign it or I would just write

1 LOUIS VECCHIA

2 it down. Many times I'd write it down on a napkin or a  
3 piece of paper to remind myself to either get it at the  
4 end of the week out of their paycheck or something.

5 Q Have you ever loaned money to Carlos  
6 Escalante?

7 A I did once in the form of check, but I  
8 believe that was for Renato. I might have loaned him a  
9 hundred or two here or there, but he always gave it  
10 back; he was pretty good that way, Carlos.

11 Q As you sit here today, do you believe any  
12 of the plaintiffs owe you money?

13 A Oh, yes.

14 Q Which of the plaintiffs do you feel owe you  
15 money?

16 A Well, I actually gave the one check to  
17 Carlos, it's my belief he was giving it to  
18 Maynor/Renato, Renato, whatever you want to call him, I  
19 believe that's where that money went or at least I was  
20 told that. But I did lend the money in Carlos' name on  
21 a check. Renaldo, Renato, Maynor I've loaned numerous  
22 times monies. I mean I think we even found out in the  
23 last deposition that I -- he told me I had gave him  
24 more than I thought I did.

25 Q My question to you is which of the

1 LOUIS VECCHIA

2 plaintiffs as you sit here today, give me the names of  
3 the plaintiffs that owe you money, that you believe owe  
4 you money.

5 A Mendez Pracelis.

6 Let me see the plaintiff list, do you have  
7 a plaintiff list?

8 Q Absolutely.

9 (Attorney reviewing documents.)

10 Q Just look at this caption right here.

11 (Handing.)

12 A Thank you.

13 MR. ZABELL: I think the record should  
14 reflect that Ms. Goldberg has provided the  
15 deponent with a Proposed Third Amended Complaint  
16 And Jury Demand for review, I think it should  
17 probably be marked as an exhibit.

18 MS. GOLDBERG: I'm not marking it as an  
19 exhibit, I'm using it so he can look at the names  
20 in the caption.

21 MR. ZABELL: It's up to you whether or not  
22 the document you provide him you introduce as an  
23 exhibit.

24 MS. GOLDBERG: That's fine.

25 (Plaintiff's Exhibit 60, copy of PROPOSED

1 LOUIS VECCHIA

2 THIRD AMENDED COMPLAINT AND JURY DEMAND dated  
3 October 24, 2001, was marked for identification.  
4 Exhibit retained by counsel.)

5 Q Mr. Vecchia, I'm giving you Exhibit 60  
6 solely for the purpose of you looking at the caption so  
7 you can review the list of plaintiffs in this case and  
8 tell me which of the plaintiffs as you sit here today  
9 you believe owe you money.

10 A Thank you.

11 (Witness reviewing document.)

12 A Nelson Quintanilla, Maynor, Pracelis and  
13 Carlos through . . . through Maynor.

14 (Pause.)

15 A You know and Jose Vega actually, also. A  
16 lot of these, there's some large ones and then there's  
17 just some small ones and actually, Nelson Quintanilla,  
18 now that I think about it, as of recently, he walked  
19 off a job and we still -- I think we paid him for the  
20 whole day, but I just let it go.

21 Q How much money do you think Nelson  
22 Quintanilla owes you?

23 A Probably just four, five hours worth of  
24 time.

25 Q Is that based on what you just said, in

1 LOUIS VECCHIA

2 that you believe he walked off a job?

3 A Oh, he actually walked off the job, there's  
4 witnesses he walked off the job, yes.

5 Q So that's the four to five hours that you  
6 believe he owes you?

7 A Yeah, but he could keep it.

8 Q In terms of Carlos Escalante who you  
9 believe you loaned money really for Maynor, how much  
10 money do you believe he owes you?

11 A I'm not sure of the amount right now.

12 Q Did Carlos Escalante ever pay you any back?

13 A No.

14 Q How much money do you believe Jose Vega  
15 Castillo owes you?

16 A Just a few hundred bucks.

17 Q When did you loan him a few hundred bucks?

18 A I guess it was a couple of days before he  
19 disappeared, he's another one that disappeared and  
20 didn't show up for work for like four weeks and then  
21 came back and wanted his job back again.

22 Q Do you remember the exact amount that you  
23 gave him?

24 A It was either two or 300. Sometimes  
25 cheaper to let them have the two or 300 and get rid of



LOUIS VECCHIA

them.

Q Did you loan Maynor money in 2004 so that he could buy one of your vehicles?

A Did I loan him money?

(Pause.)

A I think he wanted a car --

MR. ZABELL: Just answer the question.

A I'm not sure of the year, I'm not sure. I'd have to go back to records.

Q Did Maynor buy one of your vehicles?

A I believe he did, yes.

Q Did you loan him money to buy the vehicle?

A Did I hold a loan for him?

Q To buy the vehicle.

MR. ZABELL: Don't ask her questions, just answer her questions.

A I believe so.

Q Do you remember the model of the car, the make and model of the car?

A It was a Navigator.

Q Do you remember what year?

A No.

Q Do you remember when you bought that Navigator?

LOUIS VECCHIA

1

2 A No.

3 Q Did you buy that Navigator?

4 A I'm sure I did.

5 Q Do you remember where you bought it from?

6 A No.

7 Q Do you recall whether it was a year before  
8 you sold it to Maynor?

9 A I'm not sure of the time frame.

10 Q Do you recall what you paid for the  
11 Navigator?

12 A No.

13 Q Would you have records that indicate how  
14 much you paid for the Navigator?

15 A I'm not, me, personally, I'm not too  
16 organized, but I would hope I would.

17 Q What records do you think you would have  
18 that would have the price you paid for the Navigator?

19 A If we had a file in the vehicle, I don't  
20 know.

21 Q Was it a vehicle that you used for Suffolk  
22 Paving?

23 A I'm not sure.

24 Q Did he make any payments to you for that  
25 loan?

1 LOUIS VECCHIA

2 A I'm not sure. I believe he started in the  
3 beginning a few and then he just stopped.

4 Q Was there someone at Suffolk Paving who was  
5 recording the payments that he made?

6 A I don't recall.

7 Q Do you know how much he repaid to you?

8 A No. Not off the top of my head.

9 Q Did there come a time when you repossessed  
10 the car that you sold Maynor?

11 A Repossessed it?

12 (Pause.)

13 A Yeah, I believe there was a time that that  
14 happened.

15 (Plaintiff's Exhibit 61, copy of letter  
16 dated June 18, 2008 to Mr. Jose Garrido Veliz from  
17 Louis Vecchia, was marked for identification.  
18 Exhibit retained by counsel.)

19 Q I'm going to give you what's been marked as  
20 Exhibit 61.

21 (Handing.)

22 Q Please take a moment to look at it, let me  
23 know when you've had a chance to review it.

24 (Witness reviewing document.)

25 Q Have you had a chance to look over Exhibit

1 LOUIS VECCHIA

2 61?

3 A I just looked at it, yes.

4 Q Do you recognize it?

5 A No.

6 Q Is that your signature in the middle of the  
7 page where above it's typewritten Louis Vecchia; is  
8 that your signature above?

9 A It looks like it's mine, yes.

10 Q Can you tell me, did you personally take  
11 back the car from Maynor?

12 A Well, it is Maynor's car. Whose name he  
13 had it in, I don't know, but it was Maynor who signed  
14 for the loan for the car and it was given to Maynor.  
15 What Maynor did with it, maybe this is the guy he gave  
16 it to, I don't know.

17 Q So do you know Jose Garrido Veliz?

18 A No.

19 Q You don't know who that is?

20 A Not at all.

21 Q Can you tell me, did the car come back into  
22 your possession?

23 A Yes, it did.

24 Q Can you tell me, did it come back into your  
25 possession in June 2008?

1 LOUIS VECCHIA

2 A I'm not sure.

3 Q Do you recall whether it came back into  
4 your possession in the summer of 2008?

5 A I really don't recall at all when it came  
6 back.

7 Q Do you still own the car today?

8 A You know, I don't know.

9 Q You don't know whether you own the car?

10 A No. I have a lot of vehicles.

11 Q Do you know how many miles the car had on  
12 it when you sold it to Maynor?

13 A No. No way.

14 Q Would you have any record of that anywhere?

15 A I don't know.

16 Q Did you write it down anywhere?

17 A I don't know how many miles are on the car  
18 I got in today.

19 Q But when you sold it to Maynor, did you  
20 write that down anywhere?

21 A I don't know, I might have, I don't recall.

22 Q So you loaned the money to Maynor in 2004  
23 for the car, correct?

24 A I didn't say that, I said I didn't recall  
25 the time or the time frame and when it was. You asked



1 LOUIS VECCHIA

2 that question prior.

3 Q Maynor worked for you until 2009; is that  
4 correct?

5 A I think he disappeared for a little while  
6 in between, but he had . . . I believe so.

7 Q Do you know who Donna Schaefer is?

8 MR. ZABELL: Could you repeat that name?

9 MS. GOLDBERG: Donna Schaefer. Donna,  
10 D-O-N-N-A, Schaefer, S-C-H-A-E-F-E-R.

11 A Plaintiff's Exhibit 61, she's the notary  
12 public in the state of New York on the bottom here  
13 (indicating).

14 Q Does she work for you?

15 A Oh, yes.

16 Q She works in your office?

17 A Yes, she does.

18 Q Does she still work in your office?

19 A Yes, she does.

20 Q Do you know when you hired her?

21 A No; it's a while ago, though. I don't  
22 remember those things.

23 MR. ZABELL: It's all right, I understand.

24 Q Why is it that you waited until after this  
25 lawsuit was filed to bring a lawsuit against Maynor for

1 LOUIS VECCHIA

2 that loan?

3 A 'Cause he always made me promises that he  
4 would pay it, so I guess like my wife would say, my  
5 ignorant kindness, I would let it go. I'd let things  
6 go I guess where I really shouldn't have. So it was a  
7 mistake on my part.

8 Q So after he brought a lawsuit against you,  
9 is it fair to say you realized you didn't want to let  
10 it go anymore?

11 A No. My wife had woken me up and said it's  
12 about time you started collecting money from these  
13 people that owe you money and we've been doing it ever  
14 since. It's not just this, it's everywhere. Too nice  
15 a guy, just ask all your plaintiffs.

16 Q Did you ask Maynor to sign an authorization  
17 allowing you to garnish wages if he did not repay your  
18 loan?

19 A I'm sorry, did I what?

20 Q Did you ask Maynor to sign any  
21 authorization allowing you to garnish his wages if he  
22 did not repay his loan to you?

23 A I don't understand that question, sorry.

24 Q Did you ever ask Maynor to sign an  
25 authorization that would allow you to garnish his wages

LOUIS VECCHIA

if he did not repay his loan?

A I don't recall.

Q You might have?

A I don't recall. I have no idea.

Q Aside from the loan that you made to him for the vehicle, were there any other times that you believe you loaned him money?

A Oh, yes.

Q When was the next time?

A Sometime when his poor mother was suffering from what he had said was a -- needed some type of surgery, I had lent him money. I forget how much. Actually, I found out at his deposition that it was more than what I thought it was.

So you're really going to get a lot of vague answers on the money lending thing because unless I see that we wrote or there's checks I could say oh, yeah, that, I'll have a hard time recalling.

Q That loan that you're now recalling, was that in 2008?

A I'm not sure of the year, but I believe it was somewhere between six, seven and eight, something like that. I don't really recall exactly when.

Q Was that --

1 LOUIS VECCHIA

2 A It was seven or eight when he disappeared,  
3 so that was probably one of those years, seven or eight  
4 was when I lent him the money because of his ailing  
5 mother's heart or whatever it might have been, whatever  
6 story he told me.

7 Q Do you believe that was for \$8,500?

8 A No, it was for more. I just don't even  
9 recall the amount from the last deposition, I don't  
10 remember the amount, but it was more.

11 Q It was more than \$8,500?

12 A Yes.

13 Q Was this before or after you repossessed  
14 the car?

15 A I believe it was before. I'd like to  
16 believe -- I believe it was before I repossessed the  
17 car because I think he hadn't come back for -- you  
18 know, for so many months he disappeared and we just  
19 said hey, we're screwed out of the money now, we're  
20 screwed out of the car, we might as well try to recoup  
21 our costs, might as well recoup some of this back  
22 somewhere.

23 Q When you loaned Maynor, as you say, this  
24 second amount, did you ask him at this point to sign an  
25 authorization that would allow you to garnish his wages

1 LOUIS VECCHIA

2 if he didn't pay you back?

3 A I don't know how it was structured.

4 Q After you repossessed the car, did you ever  
5 give Maynor any money back that he paid you for the  
6 car?

7 A I don't think he made a lot -- any  
8 payments, it was very few he made, I believe.

9 (Plaintiff's Exhibit 62, copy of SUFFOLK  
10 PAVING CORP. P A Y M E N T S C H E D U L E dated  
11 10/06/2004, two pages, was marked for  
12 identification. Exhibit retained by counsel.)

13 Q I'm going to give you what's been marked as  
14 Exhibit 62.

15 (Handing.)

16 Q Take a moment to look at it. When you've  
17 had an opportunity to look at it, let me know.

18 MR. ZABELL: This is 62?

19 MS. GOLDBERG: Exhibit 62.

20 (Witness reviewing document.)

21 A Okay.

22 Q Tell me when you've had time to review it.

23 A Okay.

24 MR. ZABELL: Take your time to go through  
25 it.



1 LOUIS VECCHIA

2 (Witness reviewing document.)

3 A Okay.

4 Q Do you recognize it?

5 A It looks like a payment for a . . .

6 Q Have you ever seen it before?

7 A I might have.

8 Q Do you know who made it?

9 A No, I don't recall.

10 Q Did you discuss the loans that you made to  
11 Maynor with anyone?

12 A I might have splurged (sic) it out, yeah,  
13 what it was or how it was or whatever.

14 Q Who would you have blurted it out to?

15 A Whoever was in the office at the time. I  
16 might have even asked them to do this.

17 Q Did you discuss it with your wife?

18 A Probably.

19 Q Was your --

20 A Oh, you know what, I believe this was her  
21 car. This was actually one of her cars. So I would  
22 say I probably did, yes.

23 Q Did your wife create Exhibit 62?

24 A I don't know, you'd have to ask her.

25 Q Did you discuss the loans that you gave to

1 LOUIS VECCHIA

2 Maynor with your wife?

3 A Loans with people I like to not discuss too  
4 much with my wife. It became a very big problem.

5 Q Was your wife in charge of keeping track of  
6 whether Maynor paid you back?

7 A I would say she had a little bit to do with  
8 it because she constantly would be haunting me about it  
9 and your plaintiffs, Mr. Nice Guy would be don't worry,  
10 honey, we'll get it, we'll get it, he'll come out of  
11 his hole, he's going through something with his wife,  
12 he's going through -- we'll get it eventually.

13 Q So aside from these two times that you now  
14 just mentioned, are there other times that you believe  
15 you have loaned Maynor money for which he did not pay  
16 you back?

17 A I believe actually for his daughter's sweet  
18 16 maybe or something to back when; if you can tell me  
19 how old his daughter was, it might jar my memory, but .  
20 . . .

21 Q For that, how much did you loan him?

22 A I don't even know, he came to me all the  
23 time.

24 Q Did you keep track of it?

25 A I tried to in my head to some of it.

1 LOUIS VECCHIA

2 Q Do you have any written down anywhere?

3 A I tried to, like I said earlier, sometimes  
4 I would try to write it down somewhere and try to get  
5 it back or ask him back for it.

6 Q I'm sorry, I might have just asked you  
7 this, I don't recall it.

8 A That's okay.

9 Q Do you recall this incident, do you  
10 remember how much you loaned him for the sweet 16 or  
11 something that you mentioned or you don't recall?

12 A I really don't recall.

13 Q Do you recall any other specific amounts of  
14 money that you loaned Maynor?

15 A Not off the top of my head, no, not right  
16 now. Could come to me when I'm driving down the road  
17 and thinking of something, but not right now.

18 Q If you repossessed the car from Maynor that  
19 you sold him, how come you're suing him for the full  
20 value of the car when you sold it to him?

21 A What am I doing?

22 Q You know that you're suing Maynor?

23 A Do I know? I believe -- I asked my lawyer  
24 to sue him, I would hope he does his job.

25 Q Do you know how much you're suing him for?

1 LOUIS VECCHIA

2 A Off the top of my head, no, I really don't.

3 Q If I were to tell you that you're suing him  
4 for the value of the car when he bought it, do you  
5 think that that's fair?

6 A I'm sure whatever I'm suing him for is a  
7 lot less than what he owes.

8 Q But you do have the car back, you did get  
9 the car back, correct?

10 A When did we get it back, is that . . . when  
11 did he give it back, there's something called  
12 depreciation, something called, you know, after certain  
13 amount of time, things lose their value.

14 Q How much money did you loan to Pracelis?

15 A I believe it was 25,000 to put down on a  
16 house, 25 or 25,000.

17 Q Did he repay you --

18 A I'm nuts. I know my wife thinks so, but  
19 I'm a nice guy.

20 Q Did he repay you any of the money?

21 A He paid some; I'm not sure of the amounts.

22 Q Did you record the payments that he gave to  
23 you anywhere?

24 A Somebody was doing it, I don't know if I  
25 did it.

1 LOUIS VECCHIA

2 Q Who would have done it?

3 A I don't know. Whoever I asked, I don't  
4 even recall who I asked. I would have to ask somebody  
5 in the office and somebody will jump up and say it was  
6 me. That's how I usually do things.

7 Q Is there someone in the office that  
8 recorded the payments that Pracelis made?

9 A If we were to go there and they're all  
10 sitting there, I asked who did that, one of them would  
11 probably have to jump up.

12 Q Did your wife have any responsibility in  
13 recording the payments that Pracelis made?

14 A She might have been the one person, I don't  
15 know, you'd have to ask her that.

16 Q Is it fair to say that Pracelis worked some  
17 Saturdays to repay the loan, he worked for free so that  
18 you didn't have to pay him to repay the loan?

19 A I don't recall.

20 Q Did Pracelis ever work some prevailing wage  
21 rate jobs for free to repay the loan?

22 A Oh, I don't think so. Not to my knowledge.  
23 I don't know.

24 Q Did you ever have Pracelis sign any type of  
25 authorization allowing you to garnish his wages if he



1 LOUIS VECCHIA

2 didn't repay you?

3 A I don't know.

4 Q Who did you discuss the loan with, if  
5 anyone?

6 A What was your last question again, just  
7 read back my last -- I want to go back to my last  
8 question.

9 (The record was read.)

10 A No, no way. That's a definite no. I  
11 thought I said I don't know, but that's a no.

12 Q Did you talk to anyone about the loan that  
13 you made to Pracelis?

14 A I don't know. My wife, my wife probably,  
15 if anyone. Mendez, himself.

16 Q Was there anyone responsible for regularly  
17 recording the payments or the work that he was doing to  
18 make up for the loan that he . . .

19 A I'd like to think I was keeping something,  
20 I just don't recall.

21 Q Do you recall whether you made any notes on  
22 some payments that he made?

23 A I might have made markings when he did make  
24 a payment. I would mark it.

25 Q Where would you make those markings?

1 LOUIS VECCHIA

2 A On something there's a folder on that, I  
3 believe there was a folder on that and I just would  
4 make markings, I believe. I don't recall how we kept  
5 track of that. I'll try to find out for you, though.

6 Q Pracelis worked for you until 2009,  
7 correct?

8 A I believe so, yes.

9 Q Again, you filed a lawsuit against Pracelis  
10 after this lawsuit was started, correct?

11 A Did we file it after?

12 (Pause.)

13 MS. GOLDBERG: Well, withdrawn.

14 Q You filed the lawsuit against Pracelis  
15 after this lawsuit was filed.

16 Can you tell me why you filed it --

17 A That winter I was going to file it no  
18 matter what. He actually worked for my son back in  
19 2009 with a bad attitude. That winter I was going to  
20 file for the money no matter what, whether the lawsuit  
21 came. We just happened to be busy at the time and I  
22 had no time for it. But that winter I was going to  
23 file for it no matter what.

24 (Pause.)

25 A This is not a retaliation for a lawsuit,

LOUIS VECCHIA

1  
2 it's not.

3 Q Did Pracelis Mendez ever complain to you  
4 about not receiving overtime?

5 A No, he got paid for the hours he worked.

6 Q So he never complained to you, is that your  
7 testimony?

8 A Did he ever complain to me?

9 Q Yes. Did he ever complain to you about not  
10 receiving overtime?

11 A I mean he could have. I mean if it was a  
12 week he didn't get an hour, usually we'd make it up the  
13 next week or whatever the time frame was.

14 Q So is it your testimony you don't remember?

15 A But we can never keep track of -- no, no.  
16 Some of the employees would come up and say hey, boss,  
17 you shorted me an hour last week, can I get it next  
18 week. Some of them come up to me and say hey, boss,  
19 you shorted me a whole day last week and if they could  
20 afford to wait till the next week, we'd do it the next  
21 week or if they needed it badly then, we'd say please  
22 give us the other check back and we'll redo their  
23 checks.

24 Q As you sit here today, do you recall  
25 Pracelis Mendez ever complaining to you about not

1 LOUIS VECCHIA

2 receiving all the overtime he worked in a week?

3 A He -- yeah, he fraudulently tried to  
4 collect overtime, yes.

5 Q So are you saying that he complained to you  
6 about not receiving overtime?

7 A On a few occasions, yes.

8 Q Do you remember when those occasions were?

9 A The only times there was when the GPS was  
10 disconnected in his truck, we couldn't figure out  
11 whether he was lying or telling the truth.

12 Q Was this in 2009?

13 A I believe it was in eight and nine,  
14 whenever we even actually got it. There was a few  
15 different occasions.

16 Q Did Maynor Fajardo ever complain to you  
17 about not receiving overtime?

18 A There was occasions where he would come and  
19 say hey, we were shorted hours. It happens today. It  
20 happens . . . it happens. We get it to him.

21 Q Do you recall Maynor Fajardo ever  
22 complaining to you about not receiving overtime for an  
23 entire week or weeks?

24 A No, no.

25 Q Do you recall Nelson Quintanilla ever

1 LOUIS VECCHIA

2 complaining to you about not receiving overtime?

3 A I don't recall. It's possible. I don't  
4 recall. There could be somebody along the line could  
5 complain we missed an hour, it's happened. We got it  
6 to them the next week or like I said, if this check had  
7 to be redone and it was a lot that we shorted them, I  
8 mean there's papers that I've gone through just going  
9 through them and said oh, my goodness, we overpaid him  
10 just by going back and looking.

11 Q Are you familiar with the term "prevailing  
12 wage"?

13 A Prevailing wage?

14 Q Yes.

15 A Yes, I am.

16 Q What is your understanding of what is  
17 prevailing wage?

18 A Prevailing wage is basically a wage set up  
19 through the Davis-Bacon Act on where the unions get  
20 together with the state departments and they regulate  
21 and set the wages, what the wage rate should be for  
22 whatever particular trade they're working with.

23 Q When are you required to pay prevailing  
24 wage rates?

25 MR. ZABELL: I'm going to ask that you



1 LOUIS VECCHIA

2 repeat that question, please.

3 Q When are you required to pay prevailing  
4 rates, prevailing wage rates?

5 A I don't know, when?

6 Q You don't know when?

7 A I said I don't know, when, when, when?

8 MR. ZABELL: I think the record should  
9 reflect that he's asking Ms. Goldberg a question,  
10 even though I directed you please don't ask her  
11 questions.

12 THE WITNESS: I'm sorry.

13 (Pause.)

14 A Whenever it's required for me to.

15 Q What are the circumstances under when it's  
16 required?

17 A Whenever there's a job that was set up to  
18 pay prevailing wage rates.

19 Q Well, do you have to pay prevailing wage  
20 rates to pave a driveway, a private driveway?

21 A No.

22 Q So what are the circumstances under which  
23 you need to pay prevailing wage rates?

24 A Whenever the prevailing wage rule's in  
25 effect or rate is in effect.

1 LOUIS VECCHIA

2 Q Is it fair to say that when you're doing  
3 work for the municipalities, you have to pay prevailing  
4 wage rates?

5 A Depends on the municipality.

6 Q So when you're doing work for some  
7 municipalities, you don't need to pay prevailing wages?

8 A Some villages and towns don't -- they  
9 actually specifically put out 'cause they're spending  
10 their own village people -- that's funny, village  
11 people -- the villages, it's their own money that they  
12 collected from their residents and the residents prefer  
13 not to pay that rate. There's a lot of that.

14 Q When you--

15 MR. ZABELL: Wait, wait.

16 Are you finished answering because I  
17 thought you got stepped on a little bit?

18 Make sure you finish answering your  
19 question --

20 A Right. There are some villages where they  
21 collect money from the taxpayer who pays their village  
22 taxes and they use that money, whether it's to fill a  
23 pothole, pave a road or do whatever and they choose not  
24 to pay the prevailing wage rate and by law, they don't  
25 have to and certain villages on Long Island don't want

1 LOUIS VECCHIA

2 to be abused by that rate.

3 Q What are the villages that don't require  
4 you to pay prevailing wage rates?

5 A Oh, there's quite a few of them, I'd have  
6 to look through the file.

7 Q Do you know off the top of your head any  
8 that don't require it?

9 A I know the village where I live in don't.

10 Q Okay. What's that village?

11 A Village of Belle Terre. Village of Belle  
12 Terre will not -- they don't want to pay prevailing  
13 wage rates.

14 Q When you do work for the Town of  
15 Brookhaven, do you have to pay prevailing wage rates?

16 A When we're actually working in the town,  
17 itself, yes.

18 MR. ZABELL: Don't ask questions. Just  
19 answer the questions best you can.

20 Q When you are required to pay prevailing  
21 wage rates, do you have any additional paperwork that  
22 you need to do for those jobs?

23 A I believe we fill out a prevailing wage  
24 rate. I think in the office they fill out a prevailing  
25 wage rate report.

1 LOUIS VECCHIA

2 Q What is the prevailing wage report that  
3 they fill out, what information does it have on it?

4 A Basically the hours the men worked and the  
5 hours they got paid for it.

6 Q Are you referring to the certified payroll  
7 reports?

8 A Certified, that's them, yeah.

9 Q So the certified payroll records are the  
10 additional records that are required for prevailing  
11 wage rates jobs?

12 A Some of them.

13 Q Is there any additional paperwork aside  
14 from the certified payroll records that are required?

15 A Not that I'm sure of. Not off the top of  
16 my head.

17 Q Who would fill out the certified payroll  
18 records?

19 A Where, for which company?

20 Q For Suffolk Paving.

21 A Over the years, I'm sure different people.

22 Q Would it be an employee from Suffolk  
23 Paving?

24 A I'm not sure. I'm not sure who does that.

25 Q Are the union rates the same as prevailing

1 LOUIS VECCHIA

2 wage rates?

3 A They're pretty close.

4 Q If you are employing a nonunion employee on  
5 a prevailing wage rate job, do you then need to pay the  
6 nonunion employee a prevailing wage?

7 A I believe so, but you could probably check  
8 with the Department of Labor, they'll give you a  
9 better -- a more accurate.

10 Q Does the prevailing wage rate change every  
11 year?

12 A Usually in July I believe it changes, but  
13 it depends on how they set it up. Usually in July some  
14 of them do, I think, but I'm not accurate. You can  
15 call the Department of Labor, they'll give you that  
16 information.

17 Q When you did prevailing wage rate jobs,  
18 were there inspectors from the town that were present  
19 during those jobs?

20 A Sometimes.

21 Q What percentage of your business in 2009  
22 was prevailing wage rate jobs?

23 A I'd have to check with the accountants, I  
24 don't know.

25 Q Can you give an estimate?

1 LOUIS VECCHIA

2 A No. I wouldn't do it because I wouldn't be  
3 accurate.

4 Q Can you say whether it was more or less  
5 than 50 percent?

6 A I couldn't answer it. Sorry, I can't  
7 answer the question, I don't know unless I look at  
8 documents.

9 Q So you would have no idea whether it was  
10 closer to ten percent or 80 percent?

11 A No idea.

12 Q Did Suffolk Paving have any written rule  
13 that stated that all employees had to take lunch?

14 A Did it have any written rule?

15 Q Written rule.

16 A Not to my knowledge.

17 Q Was there anyone responsible for noting the  
18 times when employees would take lunch during the day?

19 A You're talking about the plaintiffs or all  
20 employees?

21 Q Talking about the plaintiffs.

22 A They pretty much . . . depends on, I guess,  
23 how big a breakfast they stop for is when they decide  
24 to have lunch.

25 Q That wasn't my question.



1 LOUIS VECCHIA

2 A I'm just saying, they decide when to have  
3 lunch.

4 Q Is it fair to say then that there was no  
5 one responsible for noting the time they started taking  
6 lunch and the time that they stopped taking lunch  
7 during the day; is that fair to say?

8 A Yeah. I mean they took lunch.

9 Q They had the discretion to take lunch when  
10 it worked for them?

11 A Pretty much.

12 Q How come you terminated Maynor Fajardo's  
13 employment?

14 A Just a really bad attitude. Told him how  
15 to do the job. I mean that I can remember like it was  
16 yesterday because I was so disappointed in him.

17 I pulled up to the job in Riverhead, his  
18 truck sitting there. I go why are you doing this where  
19 you know you weren't taught to do it this way, why are  
20 you doing it this way? Carlos was just shaking his  
21 head like, you know, you're getting screwed, boss and I  
22 just had enough. I had enough of his . . . just him  
23 and Mendez pretty much told my son that they run the  
24 company, we don't.

25 Q What was it that Maynor Fajardo did that

1 LOUIS VECCHIA

2 caused you to terminate him?

3 A To not listen to his direction of how he  
4 was to be -- he was directed on how to do something.  
5 Chose to just -- he really thought he ran the company.  
6 He thought that we would fail without -- him and Mendez  
7 thought we would fail without them, we had the best two  
8 years.

9 Q Did you ever discipline Maynor Fajardo?

10 A I'm not really the disciplinary type. I  
11 try to guide through kind words and saying listen, this  
12 is how you should attack a job, this is how you do it  
13 and he had a mind of his own obviously.

14 Q Why did you terminate Pracelis Mendez?

15 A Very bad attitude, very arrogant, very  
16 disrespectful. Pretty sure that's why he just got  
17 fired from his last job, too. Just basically a  
18 non-caring attitude, just very, very disrespectful,  
19 very, you know . . . listen, the guy tampers with a  
20 vehicle after a while and then complains about  
21 overtime, you get a little discouraged that why would a  
22 guy ask for overtime, meanwhile he's tampering with a  
23 GPS; got something to hide? So it was the sneaky,  
24 hiding, the disrespectful, the know-it-all attitude I  
25 guess you could say.

1 LOUIS VECCHIA

2 Q Did you ever discipline Pracelis Mendez?

3 A Oh, yeah, I tried a few times having . . .  
4 he just was not into it.

5 Q In what ways did you try to --

6 A Just tried to talk to him. Listen, Mendez,  
7 what's the problem, why aren't you following  
8 directions, why did you scream and yell at the guy for  
9 disconnecting a GPS, why such an attitude. Why is  
10 there such an attitude.

11 Q Why did you terminate Walter Garcia?

12 A I'd have to ask Chris that. I don't  
13 believe we terminated Walter, I think we wanted Walter  
14 to come in. I don't think we wanted him to terminate  
15 Walter. I got to ask Christopher that, but I'm not  
16 sure. I don't think we wanted to terminate Walter.

17 Q Why did you terminate Edwin Rivera?

18 A Edwin didn't show up. He was too busy in  
19 North Carolina painting his brother's house and didn't  
20 want to come to work.

21 Q So is your testimony that you did not  
22 terminate him, but that he did not show for work?

23 A He didn't show for work, so at that point,  
24 when he was ready, I think he said hey, I'm ready and  
25 we said well, we were ready a week ago. Just a lack of

LOUIS VECCHIA

respect.

Q Did you personally call Edvin Rivera to tell him that he had work?

A I personally did.

Q How many times did you call him?

A I called at least twice.

Q You called at least twice?

A At least.

Q Do you remember when you called?

A I'm sure we can get the phone records.

Q What phone do you think you used when you called him?

A I used my phone, one of my phones that I've had for the last 15 years, I've got the same number.

Q Would it be your cell phone?

A Yes. So we can get those phone records.

Q Why did you fire Carlos Escalante?

A Carlos didn't show up. Carlos was probably very embarrassed of this whole lawsuit. He didn't show up the day we got served with papers and we didn't hear from him after that.

Q Did you personally call Carlos to tell him that there was work for him?

A I believe I did, I believe Christopher did

LOUIS VECCHIA

and I believe Tommy did. I believe we all did.

Q Do you know how many times you called him?

A Not sure.

Q How come you terminated Nelson Quintanilla this year?

A Oh, my goodness. Just very, very, very obnoxious. I tried to make his job easier for him and he basically told me to F off. He was on a machine. I says look, if you just press the button like this, Nelson, it -- Victor we called him. I go Victor, it would make it so much easier for you, just press the button and he just . . . I said come on, come over here and Christopher goes go ahead, he's trying to help you, he's trying to show you what to do, go ahead, you know, go over there and he basically said F you, do it yourself, walked away and there was laborers there shaking their heads with disbelief. I'm sure we'll see them soon.

Q How come you terminated Lerly Rodriguez this year?

A We didn't. Just . . . we would love to have Lerly back.

Q It's your testimony that he just stopped coming to work?

LOUIS VECCHIA

A Stopped coming to work.

Q Did you personally call him and tell him that there was work for him?

A Yes. Christopher -- I believe Christopher did, I might not have called Lerly, I believe Christopher might have called him. I'm not sure if I called Lerly or not, but I believe Christopher did. Yeah, we liked Noe, Noe we called him. We had no problem with Noe. It's mostly the ringleaders that we have problems with, the ringleaders of your organization there.

Q Do you know a company named DF Stone?

A DF Stone.

(Pause.)

A Yes.

Q Do you know the owner of DF Stone?

A I do know the owner of DF Stone.

(Pause.)

A You know, I'm not sure who they are, but I know there's a group, there's like a whole bunch of guys together in it, I think.

Q Do you know an individual by the name of George who's connected with DF Stone?

A Yeah.



LOUIS VECCHIA

1

2 Q Do you know George's last name?

3 A Heinlin.

4 He actually owes me a ton of money.

5 Q Since I'm going to have difficulty  
6 pronouncing his last name, I'm going to call him  
7 George.

8 A That's fine.

9 Q How do you know George?

10 A Just doing work over the years for him.

11 Q To your understanding, is he one of the  
12 owners of DF Stone?

13 A You know, I don't know if he is. I don't  
14 know their corporate structure.

15 Q Is he one of the managers/operators over at  
16 DF Stone?

17 A I think he has a pretty big input on stuff.

18 Q How long have you known George?

19 A I'm not sure. A while.

20 Q A long time?

21 A I would say ten years at least.

22 Q Have you ever done any business with  
23 George?

24 A Yes, we've done work for him.

25 Q What type of work --

1 LOUIS VECCHIA

2 A We would pave for him. He's an excavation  
3 contractor, we would go and pave for him when he had  
4 work. He wasn't in our same line of work, he did a  
5 different type of work, so we would actually go pave  
6 for him when he needed us to.

7 Q Do you still pave jobs for him?

8 A He owes me money, I'm not -- I refuse to  
9 pave for him.

10 Q How much money does owe you?

11 A I have no idea, I would have to check the  
12 files.

13 Q Is it hundreds of thousands of dollars?

14 A Yeah.

15 Q It's hundreds of thousands of dollars?

16 A Uh-huh. He's not one of my . . .

17 MR. ZABELL: When you say "uh-huh," what do  
18 you mean by that?

19 THE WITNESS: I'd say I'm very aggravated  
20 over it. You shouldn't -- he should pay his  
21 bills.

22 Q Have you ever done anything social with  
23 George?

24 A I might have had lunch with him on  
25 occasion. I think I went to his mother's funeral.

1 LOUIS VECCHIA

2 That's about it.

3 Q Were you present on both days that Pracelis  
4 Mendez was deposed?

5 A Yes.

6 (Pause.)

7 A I'm not sure. Wait, let me think about it  
8 for a minute.

9 Did I come back for Mendez?

10 MR. ZABELL: Can't help you.

11 THE WITNESS: Can we just go off the  
12 record?

13 MR. ZABELL: No. No, no, no. Everything's  
14 on the record. I can't help you.

15 A I don't recall.

16 MR. ZABELL: Just --

17 A I believe I was, but I don't recall.

18 Q Do you recall on one of those days when you  
19 were here at your attorney's office, do you recall  
20 having a conversation with George when Pracelis Mendez  
21 was around?

22 A With George? No, absolutely not.

23 Q When was the last time you talked to  
24 George?

25 A He's been avoiding me, he owes me money,

1 LOUIS VECCHIA

2 I'd like to talk to him now if we can get him.

3 Q Did Suffolk Paving have an agreement with  
4 Local Union 138?

5 A Did Suffolk Paving? When?

6 Q To your knowledge, has Suffolk Paving ever  
7 had an agreement with Local Union 138?

8 A There might have been a time years ago  
9 where we signed a job site agreement.

10 Q When you say "job site agreement," what  
11 does that mean?

12 A Because I can't . . . when there's a -- I  
13 guess the unions will target a specific job, say  
14 Suffolk Paving would get the job, they'd be like hey,  
15 we'd like this job to be union or ba, ba, ba and I'd  
16 sign, it's called a . . . something, a job site  
17 agreement where I'd agree to pay men to the union, this  
18 way they can get their dough.

19 Q The agreement that Suffolk Paving had with  
20 Local Union 138, was it always job specific?

21 A Rephrase that question again, please.

22 Q If I understood your testimony just two  
23 minutes ago, you testified that you would have an  
24 agreement with the union regarding a specific job; is  
25 that correct?

1 LOUIS VECCHIA

2 A It would be -- yes. Suffolk Paving in the  
3 past has signed job site agreements with Local 138,  
4 yes.

5 Q Those are the only types of agreements that  
6 Suffolk Paving has signed with Local Union 138; is that  
7 correct?

8 A That is correct.

9 Q Has Suffolk Paving had any agreements with  
10 Local Union 1298?

11 A They might have signed job site agreements,  
12 too, I'm not sure. I know 138 we did, 1298 I'm not  
13 sure, but it's very possible Suffolk Paving signed job  
14 site agreements.

15 Q What about Suffolk Asphalt, has Suffolk  
16 Asphalt made any agreement with Local Union 138?

17 A I believe yeah, they pay into the pension  
18 fund and the welfare, the union stuff there, they're a  
19 full union company, yes.

20 Q Does Suffolk Asphalt have an agreement with  
21 Local 1298?

22 A I believe they do, yes, but you got to ask  
23 Chris that, but I believe they do. He sends checks to  
24 them every week, so I would imagine that's some type of  
25 agreement.

1 LOUIS VECCHIA

2 (Plaintiff's Exhibit 63, copy of SUFFOLK  
3 ASPHALT Weekly Time Sheet CARLOS Bates stamped  
4 Def. Exh. A 000277 and pay stub Bates stamped Def.  
5 Exh. A 000278, was marked for identification.  
6 Exhibit retained by counsel.)

7 Q I'm going to show you what's been marked as  
8 Exhibit 63.

9 (Hanging.)

10 Q I'm actually also going to . . . it will be  
11 easier if we do this in batches of a few of these, so  
12 I'm going to show you Exhibit 64 as well.

13 (Plaintiff's Exhibit 64, copy of SUFFOLK  
14 ASPHALT Weekly Time Sheet CARLOS Bates stamped  
15 Def. Exh. A 000275 and pay stub Bates stamped Def.  
16 Exh. A 000276, was marked for identification.  
17 Exhibit retained by counsel.)

18 (Hanging.)

19 MS. GOLDBERG: Sixty-five.

20 (Plaintiff's Exhibit 65, copy of SUFFOLK  
21 ASPHALT Weekly Time Sheet CARLOS Bates stamped  
22 Def. Exh. A 000257 and pay stub Bates stamped Def.  
23 Exh. A 000258, was marked for identification.  
24 Exhibit retained by counsel.)

25 (Hanging.)



1 LOUIS VECCHIA

2 MS. GOLDBERG: Sixty-six.

3 (Plaintiff's Exhibit 66, copy of Suffolk  
4 Asphalt Corp. Weekly Time Sheet VICTOR Bates  
5 stamped Def. Exh. A 000679 and pay stub Bates  
6 stamped Def. Exh. A 000680, was marked for  
7 identification. Exhibit retained by counsel.)  
8 (Handing.)

9 MS. GOLDBERG: Sixty-seven.

10 (Plaintiff's Exhibit 67, copy of SUFFOLK  
11 ASPHALT Weekly Time Sheet VICTOR Bates stamped  
12 Def. Exh. A 000665 and pay stub Bates stamped Def.  
13 Exh. A 000666, was marked for identification.  
14 Exhibit retained by counsel.)  
15 (Handing.)

16 MS. GOLDBERG: Sixty-eight.

17 (Plaintiff's Exhibit 68, copy of SUFFOLK  
18 ASPHALT Weekly Time Sheet VICTOR Bates stamped  
19 Def. Exh. A 000663 and pay stub Bates stamped Def.  
20 A. 000664, was marked for identification. Exhibit  
21 retained by counsel.)  
22 (Handing.)

23 MS. GOLDBERG: Sixty-nine.

24 (Plaintiff's Exhibit 69, copy of SUFFOLK  
25 ASPHALT Weekly Time Sheet MARCOS Bates stamped

1 LOUIS VECCHIA

2 Def. Exh. A 000584 and pay stub Bates stamped Def.  
3 Exh. A 000585, was marked for identification.  
4 Exhibit retained by counsel.)

5 (Hanging.)

6 MS. GOLDBERG: Seventy.

7 (Plaintiff's Exhibit 70, copy of SUFFOLK  
8 ASPHALT Weekly Time Sheet MARCOS Bates stamped  
9 Def. Exh. A 000578 and pay stub Bates stamped Def.  
10 Exh. 000579, was marked for identification.  
11 Exhibit retained by counsel.)

12 (Hanging.)

13 MS. GOLDBERG: And for right now, the last  
14 one in this group will be 71.

15 (Plaintiff's Exhibit 71, copy of SUFFOLK  
16 ASPHALT Weekly Time Sheet MARCOS Bates stamped  
17 Def. Exh. A 000576 and pay stub Bates stamped Def.  
18 Exh. A 000577, was marked for identification.  
19 Exhibit retained by counsel.)

20 (Hanging.)

21 (Witness reviewing documents.)

22 Q I would ask that you look at Exhibit 63.  
23 When you have reviewed it, let me know.

24 Exhibit 63, for the record, is two pages  
25 and Bates stamp number is Def. Exh. A 000277 and Def.

1 LOUIS VECCHIA

2 Exh. A 000278.

3 MR. ZABELL: I point out that there is some  
4 illegibility on Plaintiff's Exhibit 63.

5 THE WITNESS: I can't read any of that.

6 MR. ZABELL: I see that there's some sort  
7 of text in there, but I can't make that out.

8 MS. GOLDBERG: Okay, that's noted.

9 Q If you could just review the rest of  
10 Exhibit 63.

11 THE WITNESS: So I can't try to figure out  
12 what's in here because I can't . . .

13 MR. ZABELL: Right.

14 THE WITNESS: Right?

15 MR. ZABELL: Do the best you can.

16 Q After you've had a chance to review it, let  
17 me know.

18 MR. ZABELL: Take your time and look it  
19 over.

20 THE WITNESS: Okay.

21 (Witness reviewing document.)

22 A Okay.

23 Q Do you recognize Exhibit 63?

24 A Do I recognize it as far as? I've been  
25 studying it for the last couple of minutes.

1 LOUIS VECCHIA

2 Q Do you know what the first page of Exhibit  
3 63 is?

4 A It says it's a weekly time sheet for  
5 Suffolk Asphalt and it states that it's Carlos and his  
6 classification is an equipment operator.

7 Q Is it fair to say that this is the time  
8 sheet by Suffolk Asphalt for Carlos for the week of  
9 July 16, 2009 to July 22, 2009?

10 A Is it fair to say it?

11 Q Is it accurate?

12 A I can't read part of it, so I can't say  
13 it's accurate at all. It's illegible, something that's  
14 illegible can't be accurate. We can use it as maybe  
15 something, but you tell me what. It's illegible, I  
16 can't read this whole area here (indicating).

17 Q Aside from the area that you cannot read,  
18 do you recognize the form?

19 A It's a Suffolk Asphalt weekly time sheet.  
20 It says it on the top.

21 Q Have you seen such a form before?

22 A Yes, I've seen these forms before.

23 Q Were these forms used to form payment for  
24 the plaintiffs?

25 MR. ZABELL: To what?

1 LOUIS VECCHIA

2 A Yeah, say that again.

3 Q Were these forms used to calculate the  
4 hours to pay the plaintiffs?

5 A They were a guideline, yes.

6 Q When you say "guideline," what do you mean  
7 by "guideline"?

8 A They were inaccurate sometimes, so they're  
9 not -- it's not always accurate.

10 Q So if they were not accurate, would you  
11 change them?

12 A How?

13 Q Well, if the number of hours was wrong,  
14 would you change the number of hours?

15 A Not maybe on a piece of paper. We might  
16 call it in, I might change it on the paper or I might  
17 just say hey, you know, we're overpaying this guy,  
18 didn't show up the day that they're saying he was  
19 supposed to be there. There's changes all the time, so  
20 it's not an accurate, but it's a guideline.

21 Q How would you know if the number was not  
22 accurate?

23 A I'd have to think back.

24 Q So it would be based on your memory?

25 A Or Chris' memory, yeah, whoever I could

1 LOUIS VECCHIA

2 talk to or somebody would say to me hey or something  
3 would pop up. It happens all the time.

4 Q Is that your handwriting on the first page  
5 of Exhibit 63?

6 A Which part?

7 Q What looks like 34 reg handwritten.

8 A It could be mine, yes.

9 Q How is it that you came to write 34 reg on  
10 this document?

11 A I don't know.

12 Q You don't know?

13 A No 'cause I can't tell what's in this dark  
14 area, I cannot tell what's here.

15 Q Aside from what's there, I'm asking you why  
16 you wrote 34 reg.

17 A I have no clue at this time. I have no  
18 idea why I wrote that.

19 Q If you could look at the second page of  
20 Exhibit 63, you see that Carlos Escalante was paid for  
21 the week of July 16th through July 22, 2009; is that  
22 correct?

23 A Yes. It's a little sketchy, too, on this  
24 reading this, but I can see the 34. I believe it's a  
25 34, yes.



1 LOUIS VECCHIA

2 Q So on the first page for the total number  
3 of hours it says 44.

4 Can you tell me why he was paid for 34 and  
5 not 44 hours?

6 A Not at this time, no.

7 Q You can't recall?

8 A I can't recall.

9 Q The weekly time sheets, were they generated  
10 every week by Suffolk Asphalt?

11 A I believe so, yeah; Chris would have  
12 somebody do them. He'd ask me to check them for him  
13 and he'd put his input. So yeah, it was a mixture of  
14 people.

15 Q So the weekly time sheets were something  
16 that were reviewed on a weekly basis, is that correct,  
17 before you paid --

18 A Yeah, you would look at it, make sure you  
19 got it as accurately as possible. In a perfect world  
20 it would be perfect, so you try to get as close as you  
21 could.

22 Q I'd like you to look at Exhibit 64.

23 (Witness reviewing document.)

24 A Again, I can't make out this dark area.

25 Q Aside from the dark area.

1 LOUIS VECCHIA

2 Can you review the document aside from the  
3 dark area?

4 A So you want me on all these to leave this  
5 area that's illegible because usually you could read  
6 this part?

7 Q I understand and you've noted that you  
8 cannot read what's in the shaded area.

9 MR. ZABELL: Counsel, wait a minute, wait a  
10 minute.

11 First of all, I want to make sure both of  
12 you are not talking over each other.

13 I don't believe that my client has said  
14 anything untoward to you, so when you give him  
15 directions, you will give him directions like a  
16 professional and you will strip any attitude from  
17 your directions, counselor.

18 MS. GOLDBERG: Saul, I really don't  
19 appreciate that. You know that I have not  
20 raised --

21 MR. ZABELL: I don't care.

22 MS. GOLDBERG: You know that I have not  
23 raised my tone, so you're trying to put these  
24 statements, but again, let's just stay focused on  
25 continuing the deposition; so far you've been very

1 LOUIS VECCHIA

2 good, Saul.

3 MR. ZABELL: Oh, thank you, I appreciate  
4 you noticing.

5 MS. GOLDBERG: I have absolutely noticed  
6 and maybe we can finish promptly.

7 MR. ZABELL: There's no maybe about it.

8 Q Aside from the shaded area which you've  
9 noted --

10 A You know, I tried to understand the whole  
11 thing.

12 Q I understand that.

13 Please review the rest of the document as  
14 well as the second page and for the record, Exhibit 64,  
15 the first page is Def. Exh. A 000275.

16 (Witness reviewing document.)

17 A Oh, my goodness. I'm looking at 71, am I  
18 looking at the wrong one?

19 Q Yes. Please look at Exhibit 64.  
20 Sixty-four, for the record, Def. Exh. A 000275 and Def.  
21 Exh. A 000276.

22 (Witness reviewing document.)

23 A Okay.

24 Q Have you had an opportunity to review  
25 Exhibit 64?

1 LOUIS VECCHIA

2 A Yes, I reviewed it.

3 Q Is it fair to say that the first page of  
4 Exhibit 64 is a weekly time sheet from Suffolk Paving  
5 for Carlos Escalante?

6 A No, it's not.

7 Q It's not?

8 A It's not fair to say that.

9 Q Why is it not fair to say that?

10 A I'll give you time to review it and you  
11 tell me. I'm going to give you time to review it.

12 Q Mr. Vecchia, I am asking the questions, so  
13 if you say it's not fair to --

14 A I'm just saying it's not fair to say that.

15 Q What makes you say that it's not fair to  
16 say that?

17 (No response.)

18 MS. GOLDBERG: Withdrawn.

19 A Could you -- go ahead.

20 MR. ZABELL: Counselor, you have . . . I  
21 think you might have inked yourself.

22 MS. GOLDBERG: Do I have it all on my nose?

23 MR. ZABELL: It's like from your nose all  
24 the way down to your lip.

25 MS. GOLDBERG: All right, we'll take a

1 LOUIS VECCHIA

2 two-minute break.

3 THE WITNESS: No, no, no, that's fine. It  
4 doesn't bother me if it doesn't bother you.

5 MS. GOLDBERG: No, I don't want to sit  
6 here --

7 MR. ZABELL: It's your break. You're not  
8 getting to lose any of the time.

9 THE WITNESS: We'll just go back, I'll try  
10 to get you through this quickly.

11 MR. ZABELL: No, no. Stop, stop.

12 THE WITNESS: I'm trying to help.

13 MR. ZABELL: Don't try and help. It's her  
14 job. If she wants to take a break, she's free to  
15 take a break. The record remains open while you  
16 take your break.

17 MS. GOLDBERG: The record does not remain  
18 open. We're allowed to take breaks.

19 MR. ZABELL: No, you cannot take a break,  
20 you're here for three and a half hours total.

21 MS. GOLDBERG: That's not true, case law is  
22 very clear on that, Saul.

23 MR. ZABELL: Three and a half hours total.

24 THE WITNESS: Let's not argue, let's get  
25 through three and a half hours.

1 LOUIS VECCHIA

2 MR. ZABELL: There will not be any  
3 extension of time, you're here for three and a  
4 half hours.

5 MS. GOLDBERG: Well, Saul, you know what,  
6 you're completely wrong and I've cited case law to  
7 our judge stating that when we discussed how much  
8 time at the last deposition breaks are not counted  
9 and no human person is expected to go four hours  
10 without going to the bathroom and it still being  
11 counted on the record.

12 MR. ZABELL: No, nobody is asking you to go  
13 four hours.

14 MS. GOLDBERG: Your position is completely  
15 ridiculous.

16 MR. ZABELL: We're demanding you go three  
17 and a half hours. You've started your three and a  
18 half hours. It will conclude --

19 MS. GOLDBERG: And you know what, you're  
20 taking up my time.

21 THE WITNESS: Yes, let's stop.

22 MS. GOLDBERG: You are absolutely taking up  
23 my time.

24 MR. ZABELL: Go ahead, ask your question.

25 MS. GOLDBERG: Please then do not make any



1 LOUIS VECCHIA

2 remarks about what or what I might not have on my  
3 face because this was a whole distraction that  
4 took, I would say, five to six minutes, which I  
5 really don't appreciate.

6 Q Please look at the first page of Exhibit  
7 64.

8 A Okay.

9 Q Do you recognize the first page of Exhibit  
10 64?

11 A It looks like a time sheet, yes.

12 Q Who is the time sheet for?

13 A Says for Carlos.

14 Q For what week?

15 A 7/23/2009 to 7/29/2009.

16 Q Is that your handwriting in the middle of  
17 the page where it says 32 reg?

18 A Could be. Usually I put a circle around  
19 it, though. I don't know where these check marks came  
20 from, especially this dark area over here, I don't know  
21 why these check marks are here.

22 Q Can you tell me what the second page of  
23 Exhibit 64 is?

24 A It looks like a pay stub.

25 Q Is that a pay stub for Carlos Escalante for

1 LOUIS VECCHIA

2 the week July 23, 2009 through July 29, 2009?

3 A That's what it says on the stub, yes.

4 Q Do you see on the first page it says that  
5 he worked 45 hours, in the TOTAL HOURS box it says 45;  
6 do you see that?

7 A I see total -- yeah, I see a box in the  
8 right corner it says 45, yes.

9 Q For the total hours.

10 Can you tell me why he was paid 32 for that  
11 week and not 45?

12 A Not at this time. I'd have to go figure  
13 out why, I don't know why.

14 Q Would there be something that would refresh  
15 your memory on why he was paid 32 and not 45?

16 A If I had a legible area I might be able to.

17 Q Aside from that area, if you could read --

18 A No.

19 Q Would that be it, would that be the only  
20 thing that would help?

21 A Let me think.

22 (Pause.)

23 A Yeah, that would probably be it.

24 Q Again, the first page of Exhibit 64, this  
25 is one of the Suffolk Asphalt weekly time sheets that

1 LOUIS VECCHIA

2 would be generated for the purposes of calculating how  
3 many hours to pay the plaintiffs for; is that correct?

4 A Yes, this is a Suffolk Asphalt weekly time  
5 sheet.

6 Q The second page is a Suffolk Asphalt pay  
7 stub?

8 A It is.

9 Q The pay stubs are generated by Suffolk  
10 Asphalt once a week?

11 A Once a week, correct.

12 Q I'd ask you to look at Exhibit 65.

13 For the record, Exhibit 65 is Def. Exh. A  
14 000257 and Def. Exh. A 000258.

15 (Witness reviewing document.)

16 A Okay.

17 Q Do you recognize the first page of Exhibit  
18 65?

19 A I reviewed it, yes.

20 Q Do you recognize it?

21 A It appears to be a weekly time sheet.

22 Q Do you see the handwriting 16 reg on the  
23 page?

24 A Yes.

25 Q Is that your handwriting?

1 LOUIS VECCHIA

2 A It looks like it.

3 Q Do you recognize the second page of Exhibit  
4 65?

5 A Yes.

6 Q Is that the corresponding pay stub for  
7 Carlos Escalante?

8 A It appears to be.

9 Q Again, can you tell me why Carlos Escalante  
10 was paid for 16 hours as opposed to 32, which is the  
11 number that's noted in the TOTAL HOURS box?

12 A No, I can't at this time.

13 Q Okay. I'd ask you to look at Exhibit 66.

14 A Sure.

15 (Witness reviewing document.)

16 A Okay.

17 Q Do you recognize Exhibit 66?

18 A It's a weekly time sheet.

19 Q Is the second page of Exhibit 66 the  
20 corresponding pay stub?

21 A It appears to be.

22 Q Do you see the handwriting 24, what appears  
23 to be an R and a G?

24 A Yeah. I'm not sure what it is.

25 Q Did you write that?

1 LOUIS VECCHIA

2 A I could have.

3 Q Is there anyone else who could have written  
4 it?

5 A Not to my knowledge.

6 Q Again, can you tell me why Nelson was paid  
7 for 24 hours rather than 32 hours that's noted for  
8 total hours?

9 A I don't know why.

10 Q Is there anything that would refresh your  
11 memory as to why he was paid for 24 and not 32?

12 A Not at this time.

13 Q I ask you to look at Exhibit 67.

14 (Witness reviewing document.)

15 MR. ZABELL: I just want to point out that  
16 for all of these documents, there is an  
17 illegibility problem. I think, counsel, you  
18 acknowledged it with regard to the first three,  
19 but with all, just for purposes of streamlining  
20 this deposition, I'm assuming you'll acknowledge  
21 that there's a legibility problem with all of  
22 them.

23 MS. GOLDBERG: I wouldn't say all of them,  
24 but it is certainly noted that on the ones we  
25 reviewed thus far, it is. There are many, so

1 LOUIS VECCHIA

2 there are some that you can see. You're just  
3 referring to a few of the columns, but it is  
4 acknowledged that some of them are dark and  
5 shaded, which I understand he cannot see.

6 MR. ZABELL: And pose legibility problems.

7 MS. GOLDBERG: And pose legibility  
8 problems.

9 MR. ZABELL: Then I won't bring up the  
10 issue for the remainder of these exhibits through  
11 Exhibit 71 as long as you have that  
12 acknowledgment.

13 Q Did you have time to look at Exhibit --

14 A No, I'll do it now, I apologize.

15 Q Okay.

16 (Witness reviewing document.)

17 A Okay. I've reviewed it.

18 Q You see the handwriting on the first page  
19 of Exhibit 67?

20 A Yes.

21 Q Is that your handwriting?

22 A Again, it's missing a circle, but I believe  
23 it is. Usually I circle.

24 Q Again, is the first page a Suffolk Asphalt  
25 weekly time sheet?



1 LOUIS VECCHIA

2 A It is a Suffolk Asphalt weekly time sheet,  
3 yes.

4 Q Is the second page the corresponding pay  
5 stub?

6 A It appears to be, 5/14 - 5/20, it appears  
7 to be, yes.

8 Q Again, can you tell me why Nelson  
9 Quintanilla was paid for 46 hours, looks like 40 hours  
10 at regular time and six hours for time and a half,  
11 rather than a total of 48 hours, which is the number  
12 indicated in the TOTAL HOURS box on the first page?

13 A He only got paid time and a half?  
14 Surprised.

15 MR. ZABELL: Please let the record reflect  
16 that my client said that with a sarcastic tone,  
17 but continue.

18 A I don't know why.

19 Q Is there anything that would refresh your  
20 memory as to why?

21 A No, I'd have to . . . I'd have to ask  
22 Victor why or somebody why. I mean . . .

23 Q Actually if you look at Exhibit 67 where  
24 there is the shaded columns, do you see --

25 A Where are we looking?

1 LOUIS VECCHIA

2 Q We are looking in the --

3 A Shaded area?

4 Q Yes. The first column in the shaded area.

5 Do you see that the top box says Prev. Rate  
6 and Hours underneath it?

7 A I could see it says Prev. Rate and it says  
8 Hours. That part I could see.

9 Q Can you see in the column next to it, it  
10 says Prev. Rate and then overtime underneath it?

11 A Yeah. And that's what took me a few  
12 minutes to try to figure out 48 hours with only five  
13 days in a week, but then I finally was able to read  
14 that.

15 Q Then do you see in the last shaded column  
16 at the top it says Job Name?

17 A Yes. Job Name. It's a strain to see it,  
18 but I can see it. It's the stuff down below that I  
19 can't see unless it goes into the white where it says  
20 wellfield and marina, it's in that dark shade area,  
21 it's telling me where and that, that's why I don't  
22 know -- that's why I can't answer you why at this time  
23 the rate, the pay was like that. At this time, I  
24 can't.

25 Q What information is put in that column

1 LOUIS VECCHIA

2 where it says Prev. Rate Hours?

3 MR. ZABELL: I mean, counselor, we went  
4 through this before. He can't tell what's in  
5 there.

6 MS. GOLDBERG: No, no. Withdrawn.

7 Q I'll rephrase the question.

8 A Okay.

9 Q Do you put the number of hours that an  
10 individual worked prevailing rate hours in those boxes  
11 if, in fact, he's worked a certain number of prevailing  
12 rate hours that week?

13 A Of course. We try to keep as best track as  
14 we can.

15 Q So that's the information that would go in  
16 that column?

17 A Right. That's why I'm just trying to  
18 figure out why and where the overtime was based, was it  
19 based over a few days, was it one day, I can't -- by  
20 looking at this, it's hard to give you an accurate  
21 definition to your answer.

22 Q What information would be put in the column  
23 for the Prev. Rate overtime?

24 A What would be in there?

25 Q What would be in there?

1 LOUIS VECCHIA

2 A Whatever day that that particular employee  
3 happened to work overtime on that particular job.

4 There's Thursday through Wednesday, so if  
5 they worked prevailing rate overtime, it would be in  
6 one of these boxes, the number and the name of the job  
7 of where it is.

8 Q So the information that would be in the  
9 shaded box would be the number of hours they worked on  
10 the prevailing wage rate job?

11 A Right.

12 Q And the name of the job?

13 A Right.

14 Q Moving on to Exhibit 68.

15 (Witness reviewing document.)

16 THE WITNESS: I have to rephrase my  
17 statement from prior.

18 MR. ZABELL: Please do.

19 THE WITNESS: Victor owes me a whole day.  
20 Laborers don't get holidays. I must have paid him  
21 for it.

22 MR. ZABELL: You want to amend the --

23 THE WITNESS: Laborers don't get holidays.  
24 He must have got paid. Shame on me. Bad guy.

25 Q Might he have worked on that day?

1 LOUIS VECCHIA

2 A No.

3 Q You're positive as you sit here today that  
4 he did not work May 25, 2009?

5 A Positive. Positive. I mean maybe a side  
6 job he might have done somewhere, but not for me or for  
7 my son, so I'm positive. Laborers don't get holidays.  
8 He got one. Mistakes are made all the time  
9 unfortunately. But I've reviewed it and found out that  
10 I paid Victor a day I shouldn't have paid him.

11 Q Can you tell me, is that your handwriting  
12 on the 40 reg in the middle?

13 A I'd like to say it's not, but  
14 unfortunately, it is because I like to not make  
15 mistakes.

16 Q Let me go back to Exhibit 68.

17 Is it fair and accurate to say that the  
18 first page of Exhibit 68 is a Suffolk Asphalt weekly  
19 time sheet for Nelson Quintanilla for May 21, 2009  
20 through May 27, 2009?

21 A No.

22 MR. ZABELL: Could I just ask that the  
23 question be read back?

24 (The pending question was read.)

25 MR. ZABELL: Okay. You may answer.

1 LOUIS VECCHIA

2 A I believe it is. Nelson is called Victor,  
3 so I believe it is.

4 Q The second page of Exhibit 68, is that the  
5 corresponding pay stub?

6 A Yeah, it's 6/21 or 5/21. 5/21 through  
7 5/27, it is correct.

8 Q I'd ask you to look at Exhibit 69.

9 (Witness reviewing document.)

10 A Okay.

11 Q The first page of Exhibit 69, is that --

12 A Wait, I'm on 71. Jesus, I'm sorry, my  
13 apologies.

14 Q Make sure you're reviewing Exhibit 69.

15 A Yes, 69.

16 Q Okay.

17 (Witness reviewing document.)

18 A Okay.

19 Q Is that your handwriting in the middle of  
20 the page where it says 10?

21 A You know what, it doesn't look like mine.

22 Q Who else do you think it is?

23 A I don't know, but it don't look like mine.

24 Q So you don't think that's your writing?

25 A It doesn't look like my handwriting, no.



1 LOUIS VECCHIA

2 Q Do you know whose handwriting that is?

3 A No idea, but to be honest, that don't look  
4 like my handwriting.

5 Q Page two of Exhibit 69, is that a Suffolk  
6 Paving pay stub for Marcos Perez for June 11, 2009  
7 through June 17, 2009?

8 A I'm looking at this . . . at this point I  
9 can't say what it says, it just says PAYROLL ACCOUNT up  
10 top. It's -- the copy's really bad, it's not telling  
11 me where it's from.

12 Q If you look at the bottom, you see it says  
13 Suffolk Paving Corp. and the address; is this not a  
14 Suffolk Paving Corp. --

15 A On page two or page one?

16 Q Page two.

17 A Says PAYROLL ACCOUNT up top, it's kind of  
18 on an angle.

19 Q Then at the very bottom of the pay stub it  
20 says Suffolk Paving Corp.?

21 A Yeah, I guess somewhat illegible in seeing  
22 that it says Suffolk Paving Corp. Yes, it is.

23 Q So it's the pay stub account for Marcos  
24 Perez during that time period?

25 A It appears to be, yes.

1 LOUIS VECCHIA

2 Q Did Suffolk Paving Corporation generate  
3 their payroll stubs on a weekly basis?

4 A I'm a little confused here.

5 MR. ZABELL: I understand your confusion.

6 THE WITNESS: Do you?

7 MR. ZABELL: I do (indicating).

8 THE WITNESS: Yeah.

9 MS. GOLDBERG: Let the record note that  
10 there is some communication going on. You're  
11 looking at each other, Mr. Zabell is noting a  
12 certain thing on the first page.

13 MR. ZABELL: My client said he's confused,  
14 I acknowledged his confusion.

15 MS. GOLDBERG: I know. And you told him  
16 that you're confused and you're marking --

17 MR. ZABELL: Don't ask her questions.

18 If you can answer her question --

19 THE WITNESS: Ask the question again and  
20 I'm just going to answer it.

21 Q Did Suffolk Paving generate its pay stubs  
22 on a weekly basis?

23 A I believe they did, yes.

24 Q Did they generate this type of pay stub  
25 every time an employee was paid?

1 LOUIS VECCHIA

2 A Suffolk Paving, yes.

3 Q Is the first page of Exhibit 69 a Suffolk  
4 Asphalt time sheet for Marcos for June 11, 2009 through  
5 June 17, 2009?

6 A It's a Suffolk Asphalt time sheet, yes, for  
7 Marcos Perez for 6/11 to 6/17, but it's a Suffolk  
8 Paving pay stub.

9 Q I'd ask you to look at Exhibit 70.  
10 (Witness reviewing document.)

11 Q Let me just go back to Exhibit 69 for a  
12 minute. The last exhibit.

13 A The one I turned over?

14 Q Yes.

15 A Yes, go ahead.

16 Q Can you tell me why Marcos was paid for ten  
17 hours rather than 16 hours, which is the total number  
18 of hours in the box?

19 A I can't tell you anything related to these  
20 two things, absolutely nothing because one has nothing  
21 to do with the other, it makes no sense.

22 Q Let's turn to Exhibit 70 then. Please  
23 review Exhibit 70.

24 A Okay.

25 MR. ZABELL: So now we're on what exhibit?

1 LOUIS VECCHIA

2 MS. GOLDBERG: We're on Exhibit 70.

3 MR. ZABELL: Okay, thank you.

4 (Witness reviewing document.)

5 A Okay.

6 Q Do you recognize the first page of Exhibit  
7 70?

8 A Looks like a weekly time sheet.

9 Q Is it a Suffolk Asphalt weekly time sheet  
10 for Marcos Perez for the week of July 16, 2009 through  
11 July 29, 2009?

12 A It appears to be.

13 Q Is that your handwriting in the middle of  
14 the page?

15 A Some of it is.

16 Q Which some, which did you write?

17 A It looks like I wrote the 27 reg and the  
18 18. I don't know what I wrote after the 18, though.  
19 And there's a check mark. What this other name is,  
20 Jarbin, don't look like my handwriting.

21 Q I'm sorry, did you say 27 or 26?

22 A It appears that I wrote 26 reg and 18  
23 something else here, I don't know why or what. I wrote  
24 something else to the 18. So there's 26 and 18.  
25 That's all I could see written here.

1 LOUIS VECCHIA

2 Q If you look at the second page, is the  
3 second page a Suffolk Paving Corporation pay stub for  
4 Marcos Perez for July 16, 2009 through July 22, 2009?

5 A This is a pay stub for that period of time  
6 for Marcos Perez, yes, it is.

7 Q Again, do you know why he was just paid for  
8 ten hours that week?

9 A Looks like he was paid for more than ten.  
10 Looks like he was paid for 18 or 19, I can't read --  
11 it's very inillegible (sic), counselor.

12 Q I stand corrected, you're right. I  
13 apologize. It looks like I'm not -- my math is poor,  
14 but 18 or 19 under quantity, I understand you can't  
15 read that.

16 A I can't read that.

17 Q Let me ask the question.

18 Do you know why he was not paid for 44  
19 hours as listed on the first page under TOTAL HOURS?

20 A I don't know.

21 Q You can turn to Exhibit 71.

22 (Witness reviewing document.)

23 Q Have you reviewed it?

24 A I've reviewed it to the best of my ability.

25 Q The handwriting on the first page of

1 LOUIS VECCHIA

2 Exhibit 71, the 19 reg, do you see that?

3 A Yes. I scribbled out -- looks like I  
4 scribbled 16 and wrote 19 reg. Why, I don't know.

5 Q So that is your handwriting?

6 A It appears to be. Check mark I'm not sure  
7 about.

8 Q Is the first page of Exhibit 71 a weekly  
9 time sheet for Marcos Tulio Perez for July 23, 2009  
10 through July 29, 2009?

11 A It appears to be.

12 Q Can you look at the second page of Exhibit  
13 71, is that a payroll stub for Marcos Perez during the  
14 same corresponding time from Suffolk Paving?

15 A 7/23/2009.

16 (Witness reviewing document.)

17 A Suffolk Paving.

18 (Witness reviewing document.)

19 A Payroll stub is for Suffolk Paving, yes.  
20 Time sheet for Suffolk Asphalt, yes.

21 Q The pay stub again is for Marcos Perez?

22 A I believe it is. It doesn't -- oh, the pay  
23 stub says Marcos Perez, the time sheet just says  
24 Marcos, so I don't know, there's a lot of Marcoses out  
25 there probably.



1 LOUIS VECCHIA

2 Q Here's Exhibit 72.

3 (Plaintiff's Exhibit 72, copy of SUFFOLK  
4 ASPHALT Weekly Time Sheet JUAN Bates stamped Def.  
5 A. 000735 and pay stub Bates stamped Def. Exh. A  
6 000736, was marked for identification. Exhibit  
7 retained by counsel.)

8 Q I would like you to look at Exhibit 72.

9 (Handing.)

10 (Witness reviewing document.)

11 (Plaintiff's Exhibit 73, copy of SUFFOLK  
12 ASPHALT Weekly Time Sheet JUAN Bates stamped Def.  
13 Exh. A 000739 and pay stub Bates stamped Def. Exh.  
14 A 000740, was marked for identification. Exhibit  
15 retained by counsel.)

16 (Plaintiff's Exhibit 74, copy of SUFFOLK  
17 ASPHALT Weekly Time Sheet JUAN Bates stamped Def.  
18 Exh. A 000745 and pay stub Bates stamped Def. Exh.  
19 A 000746, was marked for identification. Exhibit  
20 retained by counsel.)

21 (Plaintiff's Exhibit 75, copy of SUFFOLK  
22 ASPHALT Weekly Time Sheet EDWIN Bates stamped Def.  
23 Exh. A 000857, was marked for identification.  
24 Exhibit retained by counsel.)

25 (Plaintiff's Exhibit 76, copy of SUFFOLK

1 LOUIS VECCHIA

2 ASPHALT Weekly Time Sheet EDWIN Bates stamped Def.  
3 Exh. A 000859, was marked for identification.  
4 Exhibit retained by counsel.)

5 (Plaintiff's Exhibit 77, copy of SUFFOLK  
6 ASPHALT Weekly Time Sheet EDWIN Bates stamped Def.  
7 Exh. A 000873, was marked for identification.  
8 Exhibit retained by counsel.)

9 MS. GOLDBERG: Exhibit 78.

10 (Plaintiff's Exhibit 78, copy of SUFFOLK  
11 ASPHALT Weekly Time Sheet EDWIN Bates stamped Def.  
12 Exh. A 000875, was marked for identification.  
13 Exhibit retained by counsel.)

14 MS. GOLDBERG: Exhibit 79.

15 (Plaintiff's Exhibit 79, copy of SUFFOLK  
16 ASPHALT Weekly Time Sheet EDWIN Bates stamped Def.  
17 Exh. A 000881, was marked for identification.  
18 Exhibit retained by counsel.)

19 MS. GOLDBERG: Exhibit 80.

20 (Plaintiff's Exhibit 80, copy of Suffolk  
21 Asphalt Corp. Weekly Time Sheet EDWIN Bates  
22 stamped Def. Exh. A 000910 and pay stub Bates  
23 stamped Def. Exh. A 000911, was marked for  
24 identification. Exhibit retained by counsel.)

25 MS. GOLDBERG: Exhibit 81.

1 LOUIS VECCHIA

2 (Plaintiff's Exhibit 81, copy of SUFFOLK  
3 ASPHALT Weekly Time Sheet EDWIN Bates stamped Def.  
4 Exh. A 000896 and pay stub Bates stamped Def. Exh.  
5 A 000897, was marked for identification. Exhibit  
6 retained by counsel.)

7 (Plaintiff's Exhibit 82, copy of SUFFOLK  
8 ASPHALT Weekly Time Sheet EDWIN Bates stamped Def.  
9 Exh. A 000894 and pay stub Bates stamped Def. Exh.  
10 A 000895, was marked for identification. Exhibit  
11 retained by counsel.)

12 (Plaintiff's Exhibit 83, copy of SUFFOLK  
13 ASPHALT Weekly Time Sheet RENATO Bates stamped  
14 Def. Exh. A 000796 and pay stub Bates stamped Def.  
15 Exh. A 000797, was marked for identification.  
16 Exhibit retained by counsel.)

17 (Plaintiff's Exhibit 84, copy of SUFFOLK  
18 PAVING Weekly Time Sheet KEVIN Bates stamped Def.  
19 Exh. A 000344 and pay stub Bates stamped Def. Exh.  
20 A 000345, was marked for identification. Exhibit  
21 retained by counsel.)

22 (Hanging.)

23 Q Is that your writing on the first page of  
24 Exhibit 72?

25 A Which part?

1 LOUIS VECCHIA

2 Q Let me rephrase the question.

3 Did you write anything on the first page of  
4 Exhibit 72?

5 A It looks like my handwriting's the 22 reg;  
6 30 don't look like mine at all.

7 Q Is it fair to say that page one is a  
8 Suffolk Asphalt time sheet --

9 A It's fair to say that, yes.

10 Q -- for Juan for the week of June 25th  
11 through July 1, 2009; is that fair to say?

12 A It's fair to say that, yes.

13 Q Is it fair to say that the second page is a  
14 Suffolk Asphalt pay stub for Juan during the same  
15 corresponding time?

16 A It appears to be.

17 Q Do you know why Juan was not paid 32 hours  
18 as the number indicated in the TOTAL HOURS box?

19 A I can only assume, I can't answer that  
20 honestly. Being that close, maybe he came in late one  
21 day or something, I don't know.

22 Q Okay.

23 A You know, being that short of a thing, I  
24 don't know.

25 Q Can you look at Exhibit 73, please?

1 LOUIS VECCHIA

2 (Witness reviewing document.)

3 A This looks completely different.

4 (Witness reviewing document.)

5 A I'm ready, counselor.

6 Q Do you recognize the first page of Exhibit  
7 73?

8 A Yeah, but it's a little different than the  
9 others. Yes, it's a Suffolk Asphalt week time sheet.

10 Q Is it for Juan Quinteros for the week of  
11 June 11, 2009 through June 17, 2009?

12 A I can't answer that, it just says it's for  
13 Juan.

14 Q Can you tell me, is that your handwriting  
15 in the middle of the page?

16 A It appears to be.

17 Q Can you look at Exhibit 74, please?

18 (Witness reviewing document.)

19 A Holiday. What would have been the 25th,  
20 Monday, would that have been Memorial Day? It's  
21 Christopher's birthday.

22 MR. ZABELL: How old was he?

23 THE WITNESS: That year he was 25. That  
24 was his 25th birthday.

25 Q Have you had a chance to review it?

1 LOUIS VECCHIA

2 A Just give me a few more minutes, please, if  
3 you don't mind.

4 Q Okay.

5 (Witness reviewing document.)

6 A I note on the record that I can't read this  
7 unlegible (sic) dark area.

8 Q That's noted.

9 A Okay, thank you.

10 Q Is it fair to say that the first page of  
11 Exhibit 64 is a Suffolk Asphalt weekly time sheet for  
12 Juan for the period of May 21, 2009 to May 27, 2009?

13 A It's fair to say.

14 Q Is the second page of Exhibit 74 the  
15 corresponding pay stub for that time period for Juan  
16 Quinteros?

17 A Yes, it is the same time frame.

18 Q Is it your handwriting on the first page of  
19 Exhibit 74, the 40 reg; is that your handwriting?

20 A It appears to be.

21 Q Do you know why he was not paid for 44  
22 hours as indicated in the TOTAL HOURS on the first  
23 sheet?

24 A I don't know why, but I know he was  
25 overpaid for that week. It's obvious. It's holidays.



1 LOUIS VECCHIA

2 Laborers don't get holidays.

3 MR. ZABELL: She didn't ask you that.

4 Q Why don't you review Exhibit 75 through 78,  
5 they're all single pages, so just review those and let  
6 me know when you've had a chance to look at 75 through  
7 78?

8 MR. ZABELL: So you want him to look at  
9 four different exhibits at the same time?

10 MS. GOLDBERG: Well, I want him to look at  
11 each exhibit separately --

12 A There's five actually.

13 Q But it will just make things go faster if  
14 you look at all of them.

15 (Witness reviewing documents.)

16 MR. ZABELL: No, there's just four.

17 THE WITNESS: Seventy-five, 76, 77, 78 and  
18 79.

19 MR. ZABELL: Did you want him to look at 79  
20 as well?

21 Q Look at Exhibit 75 with me.  
22 Do you see the 26 reg handwriting on that  
23 page?

24 A I don't know, could be an eight, could be a  
25 six.

LOUIS VECCHIA

Q Whatever that number is within the circle,  
did you write that?

A I could have, yes.

Q Please look at Exhibit 76.

Do you see the handwriting 40 and then what  
appears to be an R and then 8 OT; is that your  
handwriting?

(Witness reviewing document.)

A Yes, what would you like to know?

Q Is that your handwriting on Exhibit 76?

A Yes, it is, most definitely.

Q Exhibit 77, is that your handwriting?

A Yes.

Q What did you write there, what does that  
say?

A I don't know. But it's my handwriting.

Q You can't read that that says 40, you don't  
know that that number says 40 on Exhibit 77?

A I'm not sure what's in the middle of it.

Q You're not sure what's after 40, but do you  
acknowledge that it's 40 on the page?

A Right.

Q Looking at Exhibit 78, do you see where  
it's written 32 reg; is that your handwriting?

1 LOUIS VECCHIA

2 A It appears to be, yes.

3 Q Actually I do apologize, but just going  
4 back to 75 for a minute.

5 MR. ZABELL: Apology accepted.

6 A Seventy-five?

7 Q Yes.

8 A You want me to look at it again?

9 Q I just want to know whether, in fact, that  
10 is a Suffolk Asphalt weekly time sheet for Edwin.

11 A It appears to be.

12 Q Exhibit 76, is that a Suffolk Asphalt  
13 weekly time sheet for Edwin?

14 A Yes, appears to be.

15 Q Is Exhibit 77 a Suffolk Asphalt weekly time  
16 sheet for Edwin?

17 A It appears to be, yes.

18 Q And 78, is that a Suffolk Asphalt weekly  
19 time sheet for Edwin?

20 A It appears to be, yes.

21 Q Please look at Exhibit 79.

22 A Okay.

23 Q Is that your handwriting in the middle  
24 where it says 8 reg?

25 A Yes.

1 LOUIS VECCHIA

2 Q Is 79 a Suffolk Asphalt weekly time sheet?

3 A Yes.

4 Q Now I want you to take a moment and I want  
5 you to review Exhibit 80.

6 (Witness reviewing document.)

7 A Okay. This is for Edvin again.

8 (Witness reviewing document.)

9 A Reviewed it.

10 Q Looking at Exhibit 80, the first page --  
11 just for the record, Exhibit 80 is two pages -- is the  
12 24 and again what looks like an R and some letter after  
13 it, is that your handwriting?

14 A I have a hard time reading my handwriting,  
15 too, sometimes, but I believe it is, yes.

16 Q The first page of Exhibit 80, is that a  
17 Suffolk Asphalt weekly time sheet for Edvin for March  
18 26, 2009 through April 1, 2009?

19 A From March 26th, yes, it appears to be.

20 Q Is page two of Exhibit 80 the corresponding  
21 Suffolk Asphalt pay stub for that time period --

22 A It appears to be.

23 Q -- for Edvin?

24 A It appears to be.

25 Q Please review Exhibit 81.

1 LOUIS VECCHIA

2 A Okay.

3 (Witness reviewing document.)

4 A Okay.

5 Q The writing in the middle of Exhibit 81,  
6 the 40 reg and the 9 OT, is that your handwriting?

7 A Appears to be.

8 Q The first page of Exhibit 81, is that a  
9 Suffolk Asphalt weekly time sheet for Edwin for May 14,  
10 2009 through May 20, 2009?

11 A It states that.

12 Q Is the second page of Exhibit 81 the  
13 corresponding pay stub from Suffolk Asphalt?

14 A Maybe with all my strain of the eyes, it  
15 looks like 6/14, is that 6/14 or 5/14 in that, I can't  
16 really make it out?

17 MR. ZABELL: If you can't make it out,  
18 then --

19 A I can't answer you honestly if it is or it  
20 isn't.

21 Q Okay.

22 A It might be.

23 Q I need you to turn back to Exhibit 80,  
24 we're done with Exhibit 81 for now.

25 Can you tell me why Edwin was paid for 24

LOUIS VECCHIA

hours instead of the 32 hours that are noted on the computer time records?

A I don't know at this time.

Q Is there anything else that would help refresh your memory as to why he was paid 24 hours and not 32?

A No.

Q Can you please look at Exhibit 82?

A Sure.

(Witness reviewing document.)

A I've looked at it.

Q Is that your handwriting on the first page?

A Forty reg.

Q Is that your handwriting?

A Yes.

Q Is it fair to say the first page is a Suffolk Asphalt weekly time sheet?

A It's very fair to say that.

Q Is the second page a corresponding payroll stub for that time period?

A Uh-hum.

Q Do you know why Edvin was paid for 40 hours as opposed to 48 hours, which is the number in the TOTAL HOURS box on the first page?



1 LOUIS VECCHIA

2 (No response.)

3 Q I don't know why you're looking at your  
4 counsel, if you can just answer the question.

5 MR. ZABELL: He's allowed to look at me all  
6 he likes.

7 A Yeah, all your plaintiffs looked at their  
8 things, spent many times doing that. That's not nice  
9 to say.

10 Q Please answer my question.

11 A Don't make me put you in Saul's category.  
12 Maybe I got smart and didn't pay a guy for  
13 a holiday that he wasn't supposed to get it.

14 Q Can you look at Exhibit 83?

15 (Witness reviewing document.)

16 A I don't know. Jesus.

17 (Witness reviewing document.)

18 A This might take me a long time, can you  
19 explain this one?

20 Q I have one question for you actually, it's  
21 on the first page of Exhibit 83, is that your  
22 handwriting?

23 A Looks like it.

24 Q Did you also write in the numbers eight in  
25 the boxes or is it just the writing below that's yours?

1 LOUIS VECCHIA

2 A Looks like just the writing, it looks like  
3 just the writing below is mine.

4 Q So the 16 reg and the 1 OT is yours?

5 A That looks like mine.

6 Q Is the first page a weekly time sheet for  
7 Suffolk Asphalt for Renato?

8 A Yes, it doesn't look like the typical ones  
9 that we've looked at in the past exhibits.

10 Q Is it fair to say the second page was the  
11 corresponding pay stub from Suffolk Asphalt?

12 A I don't know if that's -- I don't know if  
13 it corresponds that same week, counselor. This might  
14 be an 8/20. It might be an eight on the pay stub and  
15 not a six where it's clearly stated as six on this time  
16 sheet that is not . . . you see what I'm saying,  
17 though?

18 Q If that's your answer.

19 MR. ZABELL: Are you acknowledging yes?

20 Q If that's your answer.

21 A Are you agreeing with me that it's  
22 different?

23 Q If that's your answer. It's not my job to  
24 agree or disagree, just to ask you the questions.

25 Can you look at Exhibit 84?

1 LOUIS VECCHIA

2 A Sure.

3 (Witness reviewing document.)

4 Q Can you look at Exhibit 84, which is two  
5 pages, the first page of Exhibit 84 is Def. Exh. A  
6 000344, second page is Def. Exh. A 000345?

7 A Okay.

8 Q Is that your handwriting on the first page?

9 A Yes. I'm a little disappointed there's no  
10 circle, but it appears to be mine. I like to be  
11 consistent.

12 Q Is this a Suffolk Paving time sheet for  
13 Kevin for the week of August 27, 2009 through September  
14 2, 2009?

15 A Yeah. Hopefully it's the right Kevin. Go  
16 ahead.

17 Q Is the second page the corresponding  
18 payroll stub from Suffolk Paving?

19 A I can't read the top. It says PAYROLL  
20 ACCOUNT; again, it's kind of cut off.

21 Q Then in the bottom, though, it does say  
22 Suffolk Paving?

23 A See, that's where it gets a little dark and  
24 I got to strain my eyes to see. But I believe it does  
25 say Suffolk Paving Corp. and it says eight . . . what's

1 LOUIS VECCHIA

2 the time frame we're looking for here? This one does  
3 appear to be 8/27 to 9/02. We're able to read this  
4 one.

5 (Plaintiff's Exhibit 85, copy of SUFFOLK  
6 PAVING Weekly Time Sheet OSMAR Bates stamped Def.  
7 Exh. A 001027 and pay stub Bates stamped Def. Exh.  
8 A 001028, was marked for identification. Exhibit  
9 retained by counsel.)

10 Q I'd ask you to look at Exhibit 85.

11 For the record, Exhibit 85 is two pages,  
12 Def. Exh. A 001027 and Def. Exh. A 001028.

13 (Hanging.)

14 (Witness reviewing document.)

15 A Who's this for, Osmar. I don't even know  
16 who Osmar is.

17 (Witness reviewing document.)

18 A I've reviewed it.

19 Q Is that your handwriting on the first page?

20 A It looks a little neater for me, but it  
21 appears to be.

22 Q Is it fair to say that the first page of  
23 Exhibit 85 is a weekly time sheet for Osmar for August  
24 6, 2009 through August 12, 2009?

25 A It's safe to say.

1 LOUIS VECCHIA

2 Q Is it fair to say that page two of Exhibit  
3 85 is the corresponding payroll stub from Suffolk  
4 Paving for that period of time?

5 A Appears to be.

6 Q Can you tell me why Osmar was paid for 40  
7 hours rather than the 48 hours which is indicated in  
8 the TOTAL HOURS box on the first page?

9 A I can't explain that right now. It says  
10 one day owed. Maybe he made a mistake and thought he  
11 was owed a day and somebody just put it down to make a  
12 mental note, he wasn't owed a day. It's speculation at  
13 this point.

14 Q Is there any other document that would  
15 refresh your memory to further clarify?

16 A No. I mean it just makes no sense if the  
17 guy was owed a day, we would have paid it for him.  
18 Maybe somebody marked it down there as a note to hey,  
19 you know, he's owed a day and maybe Osmar was wrong.

20 Q Can you look at Exhibit 86, please?

21 (Plaintiff's Exhibit 86, copy of Suffolk  
22 Paving Corp. Weekly Time Sheet ALLEJANDRO Bates  
23 stamped Def. Exh. A 000071 and pay stub Bates  
24 stamped Def. Exh. A 000072, was marked for  
25 identification. Exhibit retained by counsel.)

1 LOUIS VECCHIA

2 (Plaintiff's Exhibit 87, copy of SUFFOLK  
3 PAVING Weekly Time Sheet ALLEHANDRO Bates stamped  
4 Def. Exh. A 000050 and pay stub Bates stamped Def.  
5 Exh. A 000051, was marked for identification.  
6 Exhibit retained by counsel.)

7 (Hanging.)

8 A I almost certainly will.

9 MS. GOLDBERG: Eighty-six is two pages, for  
10 the record and it's Def. Exh. A 000071 and Def.  
11 Exh. A 000072.

12 (Witness reviewing document.)

13 Q Is that your handwriting on the first page  
14 of Exhibit 86?

15 A Looks like it could be that, yes.

16 Q Fair to say that the first page is a  
17 Suffolk Paving time sheet for Alejandro for April 23,  
18 2009 through April 29, 2009?

19 A Yes.

20 Q Is it fair to say that the second page of  
21 Exhibit 86 is the corresponding pay stub for Alejandro  
22 during that time from Suffolk Paving?

23 A It appears to be, yes.

24 Q Do you know why Alejandro was paid 40 hours  
25 rather than the 48 hours which is indicated in the



1 LOUIS VECCHIA

2 TOTAL HOURS box on the first page?

3 A At this time I don't know.

4 Q Is there anything that would help refresh  
5 your memory as to why?

6 A Not at this time, sorry.

7 Q Can you please look at Exhibit 87?

8 (Handing.)

9 (Witness reviewing document.)

10 A Go ahead, counselor, I've reviewed it.

11 Q Looking at the first page of Exhibit 87, is  
12 that your handwriting, the 24 PR?

13 A Yes.

14 Q The first page of Exhibit 87, is it fair to  
15 say it's a Suffolk Paving weekly time sheet for  
16 Alejandro for July 2, 2009 through July 8, 2009?

17 A Yes.

18 Q Is the second page of Exhibit 87 the  
19 corresponding pay stub from Suffolk Paving Corp.?

20 A It's another holiday in here. Oh, Saturday  
21 we were off. Yes, it is.

22 Q Can you tell me why Alejandro was paid for  
23 24 hours as opposed to the 32 hours that are indicated  
24 on the first page in the TOTAL HOURS box?

25 A Maybe this guy, Scott, up here paid him the

1 LOUIS VECCHIA

2 other, I don't know.

3 Q What guy, Scott?

4 A Up here, Scott (indicating).

5 MR. ZABELL: Let the record reflect that  
6 the deponent is pointing to the top of the  
7 document identified as Exhibit 87 where it says  
8 "scott."

9 A Yeah, I don't know, maybe Scott paid him.

10 Q Do you know who Scott is?

11 A No, I have no idea who Scott is.

12 (Plaintiff's Exhibit 88, copy of Suffolk  
13 Paving Corp. Weekly Time Sheet MARCOS Bates  
14 stamped Def. Exh. A 000592 and pay stub Bates  
15 stamped Def. Exh. A 000593, was marked for  
16 identification. Exhibit retained by counsel.)

17 Q I'd ask you to look at Exhibit 88.

18 (Handing.)

19 (Witness reviewing document.)

20 A Go ahead, counselor.

21 Q You've looked at the first page of Exhibit  
22 88; is that your handwriting, the 18 reg?

23 A Yes.

24 Q The first page, is it accurate to say it's  
25 a Suffolk Paving Corp. time sheet for Marcos for the

1 LOUIS VECCHIA

2 week of April 30, 2009 to May 5, 2009?

3 A Yeah, it appears it is, yes.

4 Q Is page two the corresponding pay stub for  
5 that time period?

6 A Yes.

7 Q Can you tell me why Marcos was paid for 18  
8 hours as opposed to the 27 hours that's indicated on  
9 the TOTAL HOURS box on the first page?

10 A If I was able to read maybe where he was on  
11 that day I could maybe, but I can't at this time, I  
12 apologize.

13 Q I'd ask you to look at Exhibit 89.

14 (Plaintiff's Exhibit 89, copy of Suffolk  
15 Paving Weekly Time Sheet MARCOS Bates stamped Def.  
16 Exh. A 000580 and pay stub Bates stamped Def. Exh.  
17 A 000581, was marked for identification. Exhibit  
18 retained by counsel.)

19 (Hanging.)

20 (Witness reviewing document.)

21 A Go ahead. I've reviewed it.

22 Q Can you tell me, is this a Suffolk Paving  
23 time sheet for Marcos for July 9, 2009 through July 15,  
24 2009?

25 A I'm not sure.

1 LOUIS VECCHIA

2 Q Is that your handwriting in the top left  
3 corner?

4 A It's possible.

5 Q Can you read what that says?

6 A No.

7 Q Did you write 8 reg --

8 A That looks --

9 Q -- on the first page?

10 A That looks like me, yes.

11 Q Is it fair to say that the second page is a  
12 Suffolk Paving pay stub for Marcos for the week of July  
13 9, 2009 through July 15, 2009?

14 A It's fair to say it's from July 9, 2009 to  
15 July 15th, correct.

16 Q Do you know why he was paid eight hours as  
17 opposed to the 32 hours indicated on the first page?

18 A No.

19 Q Is it fair to say that this is a time sheet  
20 for either Suffolk Paving or Suffolk Asphalt?

21 A It's fair to say it's something.

22 Q Is it fair to say it's from one of the two  
23 companies?

24 A Yeah, I would imagine.

25 Q I'd ask you to look at Exhibit 90.

1 LOUIS VECCHIA

2 (Plaintiff's Exhibit 90, copy of SP Weekly  
3 Time Sheet MARCOS Bates stamped Def. Exh. A 000564  
4 and pay stub Bates stamped Def. Exh. A 000565, was  
5 marked for identification. Exhibit retained by  
6 counsel.)

7 (Hanging.)

8 (Witness reviewing document.)

9 A Go ahead.

10 Q On the first page, is that your handwriting  
11 24 PR, 16 reg?

12 A Looks like it, yes.

13 Q By PR, is that meant to mean prevailing  
14 rate; is that what you meant by the PR?

15 A I believe so. I just can't . . . I can't  
16 help you because your inadequate copies here, but I  
17 believe it should be PR.

18 Q PR, does that stand for prevailing rate?

19 A Yes.

20 Q Is this a time sheet from either Suffolk  
21 Asphalt or Suffolk Paving for Marcos for the week of  
22 September 17, 2009 through September 23, 2009?

23 A Is it that long?

24 (Witness reviewing document.)

25 A It appears to be.

1 LOUIS VECCHIA

2 Q Is page two the corresponding payroll for  
3 Marcos for that period of time?

4 A Sorry?

5 Q Is page two of Exhibit 90 Suffolk Paving's  
6 pay stub for Marcos for that period of time?

7 A Yes, it appears to be.

8 Q Can you tell me, you see where it says 32  
9 under the column at the very top where it says  
10 prevailing rate hours, says 32?

11 A Yes.

12 Q Can you tell me why he was only paid for 24  
13 hours as opposed to --

14 A If I was able to read this, I probably  
15 would be able to tell you because maybe one of the jobs  
16 wasn't prevailing wage, it was mismarked prevailing  
17 wage job and it really wasn't.

18 Q Okay.

19 A You know what I mean?

20 Q All right.

21 Can you look at Exhibit 91?

22 (Plaintiff's Exhibit 91, copy of SUFFOLK  
23 PAVING Weekly Time Sheet KEVIN Bates stamped Def.  
24 Exh. A 000362 and pay stub Bates stamped Def. Exh.  
25 A 000363, was marked for identification. Exhibit



1 LOUIS VECCHIA

2 retained by counsel.)

3 (Handing.)

4 (Witness reviewing document.)

5 Q Are you done with Exhibit 91 yet?

6 A Yes, I believe I am.

7 Q Is that your handwriting on the first page,  
8 8 PR, 32 reg?

9 A Yes.

10 Q Is the first page of Exhibit 91 the Suffolk  
11 Paving weekly time sheet for Kevin for June 25, 2009  
12 through July 1, 2009?

13 A Appears to be.

14 Q Is the second page the corresponding pay  
15 stub from Suffolk Paving?

16 A Yes, it appears to be.

17 Q Can you tell me why he was paid for a total  
18 of 40 hours when the TOTAL HOURS on the first page is  
19 42.5?

20 A I have no idea.

21 Q Any document that would help refresh your  
22 memory why?

23 A No.

24 Q I ask you to look at Exhibit 92.

25 (Plaintiff's Exhibit 92, copy of CROSS

1 LOUIS VECCHIA

2 ISLAND Weekly Time Sheet ALEX Bates stamped Def.  
3 Exh. A 000117, was marked for identification.  
4 Exhibit retained by counsel.)

5 (Hanging.)

6 (Witness reviewing document.)

7 Q Is that your handwriting in the middle of  
8 the page, 24 reg?

9 A Yes. Looks like it.

10 Q Is this a weekly time sheet for Cross  
11 Island Industries for Alex?

12 A It says it's for Cross Island.

13 Q Right. Weekly time sheet for Cross Island.

14 A That's what it says, yes.

15 Q Look at Exhibit 93.

16 (Plaintiff's Exhibit 93, copy of CROSS  
17 ISLAND Weekly Time Sheet ALEX Bates stamped Def.  
18 Exh. A 000119, was marked for identification.  
19 Exhibit retained by counsel.)

20 (Hanging.)

21 (Witness reviewing document.)

22 Q Is that your handwriting in the middle of  
23 the page where it says 16 reg?

24 A Yes.

25 Q Again, is this a Cross Island weekly time

1 LOUIS VECCHIA

2 sheet for Alex for May 28, 2009 through June 3, 2009?

3 A Yes.

4 MS. GOLDBERG: Exhibit 94.

5 (Plaintiff's Exhibit 94, copy of Suffolk  
6 Asphalt Corp. Weekly Time Sheet RENATO Bates  
7 stamped Def. Exh. A 000828 and pay stub Bates  
8 stamped Def. Exh. A 000829, was marked for  
9 identification. Exhibit retained by counsel.)

10 (Hanging.)

11 (Witness reviewing document.)

12 Q Can you tell me, is that your handwriting  
13 in the middle of the page on the first page of Exhibit  
14 94 --

15 A It appears to be.

16 Q -- the 8 reg?

17 Is this a Suffolk Asphalt Corporation  
18 weekly time sheet for Renato for February 19, 2009  
19 through February 25, 2009?

20 A It appears to be.

21 Q Is the second page the corresponding pay  
22 stub from Suffolk Asphalt?

23 A Why would he work in the shop?

24 (Witness reviewing document.)

25 A Yeah, okay, yeah, it all appears to be

1 LOUIS VECCHIA

2 that.

3 Q Do you know why he was paid for eight hours  
4 as opposed to 16 hours, which is the total number  
5 indicated on the first page?

6 A Maybe somebody made a mistake on his time.

7 Q I ask you to look at 95.

8 (Plaintiff's Exhibit 95, copy of Suffolk  
9 Asphalt Corp. Weekly Time Sheet RENATO Bates  
10 stamped Def. Exh. A 000821 and pay stub Bates  
11 stamped Def. Exh. A 000822, was marked for  
12 identification. Exhibit retained by counsel.)

13 (Hanging.)

14 (Witness reviewing document.)

15 Q Can you tell me, is that your  
16 handwriting --

17 A I'm not done reviewing it yet.

18 Q Actually, my only question on this exhibit  
19 is whether that's your handwriting.

20 MR. ZABELL: I think he said he needed to  
21 review the document.

22 MS. GOLDBERG: I'm just asking him to look  
23 at the handwriting on the first page of Exhibit  
24 95, that's all I'm asking him to do.

25 A I'm not sure if it is.

1 LOUIS VECCHIA

2 Q You don't know if that's your handwriting?

3 A It could be.

4 MR. ZABELL: Not if you're not going to  
5 give him an opportunity to review the document.

6 MS. GOLDBERG: How long does it take to  
7 look at 8 reg and say whether that's your  
8 handwriting or not; that's all I'm asking him to  
9 do?

10 MR. ZABELL: I don't know, you're not  
11 asking me the question.

12 Q Can you please look at Exhibit 95?

13 Is that your handwriting in the middle of  
14 the page in a circle?

15 A Looks like it.

16 Q I'd ask you to look at the first page of  
17 Exhibit 96.

18 (Plaintiff's Exhibit 96, copy of Suffolk  
19 Asphalt Corp. Weekly Time Sheet RENATO Bates  
20 stamped Def. Exh. A 000814 and pay stub Bates  
21 stamped Def. Exh. A 000815, was marked for  
22 identification. Exhibit retained by counsel.)

23 (Hanging.)

24 (Witness reviewing document.)

25 Q Is that your handwriting in the middle of

1 LOUIS VECCHIA

2 the page, the 8 RG?

3 A Yes, it appears to be.

4 MS. GOLDBERG: Exhibit 97.

5 (Plaintiff's Exhibit 97, copy of Suffolk  
6 Asphalt Corp. Weekly Time Sheet RENATO Bates  
7 stamped Def. Exh. A 000812 and pay stub Bates  
8 stamped Def. Exh. A 000813, was marked for  
9 identification. Exhibit retained by counsel.)

10 (Hanging.)

11 (Witness reviewing document.)

12 Q Is that your handwriting in the middle of  
13 the page on the first page of Exhibit 97?

14 A Would you like me to review both of these  
15 or just the one?

16 Q I just want to know whether this is your  
17 handwriting on the first page of Exhibit 97.

18 A It appears to be, yes.

19 Is that it?

20 Q Yes.

21 A Okay.

22 Q Exhibit 98.

23 (Plaintiff's Exhibit 98, copy of SUFFOLK  
24 ASPHALT Weekly Time Sheet RENATO Bates stamped  
25 Def. Exh. A 000806 and pay stub Bates stamped Def.

1 LOUIS VECCHIA

2 Exh. A 000807, was marked for identification.

3 Exhibit retained by counsel.)

4 (Handing.)

5 (Witness reviewing document.)

6 A You want me to review both?

7 Q No, just the first page.

8 A Just the one, okay.

9 Q Is that your handwriting on the first page  
10 of Exhibit 98?

11 A Yes. Just the check marks aren't mine.

12 Q Is this a weekly time sheet for Suffolk  
13 Asphalt for Renato for May 14, 2009 to May 20, 2009?

14 A That is a time sheet for him.

15 Q Can you tell me why he was paid for a total  
16 of 41 hours rather than the 53 hours?

17 A You want me to review the second sheet; you  
18 said no?

19 Q Yes. Please review the second sheet.

20 A You didn't give me time to review that.

21 (Witness reviewing document.)

22 A So how many hours are you actually saying  
23 he got paid for?

24 Q My question to you is this, do you know why  
25 he was paid for a total of 41 hours as opposed to 53



1 LOUIS VECCHIA

2 that's in the box?

3 A You got to help me do my math, counselor,  
4 here. If you look at the hours he was paid, it looks  
5 like it was 52 or 51. Forty-nine and two, counselor,  
6 is 51 and you asked 49, I believe.

7 Q Well, if you look at his pay stub on the  
8 second page, the quantity of regular hour rate is 32  
9 and the time and a half hour was nine.

10 A Right.

11 Q So 32 plus the --

12 A What about his grease time, the two hours  
13 he got down below, counselor?

14 Q Okay. So 41, I stand corrected, 43 hours,  
15 so do you know why he was paid 43 hours as opposed to  
16 the 53 that's noted on the TOTAL HOURS box?

17 A No, I don't.

18 Q Exhibit 99.

19 (Plaintiff's Exhibit 99, copy of SUFFOLK  
20 ASPHALT Weekly Time Sheet RENATO Bates stamped  
21 Def. Exh. A 000804 and pay stub Bates stamped Def.  
22 Exh. A 000805, was marked for identification.  
23 Exhibit retained by counsel.)

24 (Hanging.)

25 A Am I reviewing everything?

1 LOUIS VECCHIA

2 Q Review the whole thing.

3 A Okay.

4 MR. ZABELL: Please.

5 (Witness reviewing document.)

6 Q Is that your handwriting on the first page?

7 A You want me to review both?

8 Q I just want you to look at the first page.

9 A Okay.

10 Q Is that your handwriting, the 40 reg?

11 A Yes, everything there is mine except for  
12 the checks and those little other squiggles and the  
13 seven crossed out to the zero, I don't know whose that  
14 is, that might have been a mistake by somebody else.

15 Q Can you look at Exhibit 100?

16 (Plaintiff's Exhibit 100, copy of SUFFOLK  
17 ASPHALT Weekly Time Sheet RENATO Bates stamped  
18 Def. Exh. A 000798 and pay stub Bates stamped Def.  
19 Exh. 000799, was marked for identification.  
20 Exhibit retained by counsel.)

21 (Hanging.)

22 A Would you like me to --

23 Q Just look at the front. Actually, I just  
24 want you to look at the writing on the first page.

25 (Witness reviewing document.)

1 LOUIS VECCHIA

2 A Okay. The handwriting -- don't even pay  
3 attention to anything else, just the handwriting?

4 Q Just the handwriting.

5 Is that your handwriting?

6 A It looks like mine, yes.

7 MS. GOLDBERG: Exhibit 101.

8 (Plaintiff's Exhibit 101, copy of SUFFOLK  
9 ASPHALT Weekly Time Sheet RENATO Bates stamped  
10 Def. Exh. A 000794 and pay stub Bates stamped Def.  
11 Exh. A 000795, was marked for identification.  
12 Exhibit retained by counsel.)

13 A Review both?

14 Q Just the handwriting.

15 A Looks like mine. A little neater.

16 Q Is that your handwriting in the middle of  
17 the page: 40 reg, 3 OT, no grease?

18 A That is my handwriting.

19 MS. GOLDBERG: Exhibit 102.

20 (Plaintiff's Exhibit 102, copy of SUFFOLK  
21 ASPHALT Weekly Time Sheet RENATO Bates stamped  
22 Def. Exh. A 000788 and pay stub Bates stamped Def.  
23 Exh. A 000789, was marked for identification.  
24 Exhibit retained by counsel.)

25 (Hanging.)

1 LOUIS VECCHIA

2 (Witness reviewing document.)

3 A Same thing, review the handwriting?

4 Q Is that your handwriting --

5 A It looks like my handwriting, yes.

6 Q Look at 103.

7 (Plaintiff's Exhibit 103, copy of SUFFOLK  
8 ASPHALT Weekly Time Sheet RENATO Bates stamped  
9 Def. Exh. A 000786 and pay stub Bates stamped Def.  
10 Exh. A 000787, was marked for identification.  
11 Exhibit retained by counsel.)

12 A Just the handwriting again?

13 Q Just the handwriting.

14 MR. ZABELL: Lou, slow down.

15 THE WITNESS: I'm just trying to help her.

16 MR. ZABELL: I know. You're throwing me  
17 off.

18 THE WITNESS: Just trying to help.

19 (Witness reviewing document.)

20 Q Is the handwriting yours on Exhibit 103,  
21 the first page, the 40 regular, is that your  
22 handwriting?

23 A Yes.

24 Q Here's 104.

25 (Plaintiff's Exhibit 104, copy of Suffolk

1 LOUIS VECCHIA

2 Asphalt Corp. Weekly Time Sheet WALTER Bates  
3 stamped Def. Exh. A 000463, was marked for  
4 identification. Exhibit retained by counsel.)

5 (Hanging.)

6 (Witness reviewing document.)

7 Q In looking at Exhibit 104, is that your 0  
8 handwritten on the page?

9 A Don't look like mine.

10 MS. GOLDBERG: Exhibit 105.

11 (Plaintiff's Exhibit 105, copy of SUFFOLK  
12 ASPHALT Weekly Time Sheet WALTER Bates stamped  
13 Def. Exh. A 000443 and pay stub Bates stamped Def.  
14 Exh. A 000444, was marked for identification.  
15 Exhibit retained by counsel.)

16 (Hanging.)

17 (Witness reviewing document.)

18 Q Is that your handwriting in the middle of  
19 the page, 40 reg?

20 A Yes.

21 MS. GOLDBERG: Exhibit 106.

22 (Plaintiff's Exhibit 106, copy of SUFFOLK  
23 ASPHALT Weekly Time Sheet WALTER Bates stamped  
24 Def. Exh. A 000433 and pay stub Bates stamped Def.  
25 Exh. A 000434, was marked for identification.

1 LOUIS VECCHIA

2 Exhibit retained by counsel.)

3 (Hanging.)

4 Q Is that your handwriting on the first page  
5 of 106 where it says 24, then 16 crossed out reg, 1  
6 grease, 3 OT?

7 (Witness reviewing document.)

8 A I don't . . . let me just look to see. I  
9 don't believe the 24 is mine. That 24 does not look  
10 like my handwriting.

11 Q Do you know whose handwriting that would  
12 be?

13 A No.

14 Q Is the other your handwriting, the other  
15 notations?

16 A It looks like it could possibly be. The  
17 check marks were definitely not mine.

18 Q Do you know whose the check marks were, who  
19 wrote those?

20 A No. The 24 doesn't look like mine.

21 Q I ask you to look at Exhibit 107.

22 (Plaintiff's Exhibit 107, copy of SUFFOLK  
23 ASPHALT Weekly Time Sheet WALTER Bates stamped  
24 Def. Exh. A 000429, was marked for identification.  
25 Exhibit retained by counsel.)

1 LOUIS VECCHIA

2 (Hanging.)

3 (Witness reviewing document.)

4 Q Is that your handwriting on the first page  
5 of Exhibit 107?

6 A I believe it is, yes.

7 MS. GOLDBERG: Exhibit 108.

8 (Plaintiff's Exhibit 108, copy of SUFFOLK  
9 ASPHALT Weekly Time Sheet WALTER Bates stamped  
10 Def. Exh. A 000427 and pay stub Bates stamped Def.  
11 Exh. A 000428, was marked for identification.  
12 Exhibit retained by counsel.)

13 (Hanging.)

14 (Witness reviewing document.)

15 Q Is that your handwriting on the first page  
16 of 108, the 16 reg and 1, I don't know what the word  
17 after that is? Is that your handwriting?

18 A I believe it is.

19 Q Do you know what that word is after 1?

20 A No, that's what I'm trying to make out. I  
21 can't make it out.

22 MS. GOLDBERG: Exhibit 109.

23 (Plaintiff's Exhibit 109, copy of SUFFOLK  
24 ASPHALT Weekly Time Sheet WALTER Bates stamped  
25 Def. Exh. A 000425 and pay stub Bates stamped Def.



1 LOUIS VECCHIA

2 Exh. A 000426, was marked for identification.

3 Exhibit retained by counsel.)

4 (Hanging.)

5 (Witness reviewing document.)

6 Q Is that your handwriting on the first page  
7 where it says 16 reg and 3 reg OT; is that your  
8 handwriting?

9 A The one above I think is mine, too, the 32.

10 Q So you think all of it is your handwriting?

11 A Everything but the checks is mine.

12 Q Here's 110.

13 (Plaintiff's Exhibit 110, copy of SUFFOLK  
14 ASPHALT Weekly Time Sheet WALTER Bates stamped  
15 Def. Exh. A 000407 and pay stub Bates stamped Def.  
16 Exh. A 000408, was marked for identification.  
17 Exhibit retained by counsel.)

18 (Hanging.)

19 (Witness reviewing document.)

20 Q Is that your handwriting on the middle of  
21 the page where it says 16 reg?

22 A Appears to be.

23 MS. GOLDBERG: Exhibit 111.

24 (Plaintiff's Exhibit 111, copy of SUFFOLK  
25 ASPHALT Weekly Time Sheet JOSE C Bates stamped

1 LOUIS VECCHIA

2 Def. Exh. A 000218 and pay stub Bates stamped Def.  
3 Exh. A 000219, was marked for identification.  
4 Exhibit retained by counsel.)

5 (Hanging.)

6 (Witness reviewing document.)

7 Q Is that your handwriting in the middle of  
8 the first page where it says 16 reg?

9 A Yes. Everything but that check mark.  
10 They're too neat for me.

11 Q If you could now look at Exhibit 112.

12 (Plaintiff's Exhibit 112, copy of SUFFOLK  
13 ASPHALT Weekly Time Sheet JOSE C Bates stamped  
14 Def. Exh. A 000208, was marked for identification.  
15 Exhibit retained by counsel.)

16 (Hanging.)

17 (Witness reviewing document.)

18 Q Is that your handwriting in the middle of  
19 the page where there's a 22 reg and there's a cross-out  
20 over 22 with a 30 underneath it?

21 A The 22 reg is mine. The 30 is not.

22 Q Do you know whose the 30 is?

23 A No.

24 Q I ask you to look at Exhibit 113.

25 (Plaintiff's Exhibit 113, copy of SUFFOLK

1 LOUIS VECCHIA

2 ASPHALT Weekly Time Sheet CARLOS Bates stamped  
3 Def. Exh. A 000287 and pay stub Bates stamped Def.  
4 Exh. A 000288, was marked for identification.  
5 Exhibit retained by counsel.)

6 (Hanging.)

7 (Witness reviewing document.)

8 Q Is that your handwriting on the first page  
9 of Exhibit 113, the 11 reg?

10 A Yes, looks like it.

11 Q The last one that I'm going to do today,  
12 Exhibit 114.

13 (Plaintiff's Exhibit 114, copy of SUFFOLK  
14 ASPHALT Weekly Time Sheet CARLOS Bates stamped  
15 Def. Exh. A 000279 and pay stub Bates stamped Def.  
16 Exh. A 000380, was marked for identification.  
17 Exhibit retained by counsel.)

18 (Hanging.)

19 (Witness reviewing document.)

20 Q Is that your handwriting on the first page,  
21 the 24 reg?

22 A Looks like it.

23 Q So is it fair and accurate to say that you  
24 would review the weekly time sheets for Suffolk Paving  
25 every week before the plaintiffs were paid?

1 LOUIS VECCHIA

2 A Yes, it would be true.

3 Q Is it also fair to say that you would  
4 review the weekly time sheets for Suffolk Asphalt  
5 before the plaintiffs were paid?

6 A I would assist in it, yes.

7 Q Would you review the time sheets?

8 A Sometimes.

9 Q Would you regularly note when you found  
10 inconsistencies with the number of hours that was  
11 printed on the time sheets?

12 A Say the question again, I'm sorry? If I  
13 reviewed -- say it one more time.

14 Q I'll withdraw the question.

15 Did you regularly review the Suffolk  
16 Asphalt weekly time sheets before the plaintiffs were  
17 paid on a weekly basis?

18 A Most of the time.

19 Q Would you note in your handwriting when you  
20 found that the total number of hours was listed  
21 incorrectly on the computer time sheets?

22 A No, I've made mistakes, I paid them for  
23 holidays that I wasn't supposed to, so I can't answer  
24 that.

25 Q But is it fair to say that you would put

1 LOUIS VECCHIA

2 the number of hours you believe the plaintiffs worked  
3 if it was different than the number printed --

4 A If there was a mistake made on printing on  
5 the time sheet, I would correct the mistake, yes. It's  
6 fair to say that I would correct the mistake.

7 Q Both Suffolk Asphalt and Suffolk Paving  
8 used the same weekly time sheet forms; is that correct?

9 A Similar.

10 Q When you say "similar," what were the  
11 differences?

12 A I don't know. Some -- I'm noticing that  
13 some look different as we're going through them;  
14 different designs, you know, different layouts.

15 Q Aside from the somewhat aesthetically --

16 A You said different.

17 Q Withdrawn.

18 A They're different.

19 Q Did Suffolk Asphalt keep the weekly time  
20 sheets for all of its employees in 2009?

21 A I don't know.

22 Q Did Suffolk Paving keep all of its time  
23 sheets?

24 A Are we just talking about your people or  
25 the company's?

1 LOUIS VECCHIA

2 Q All employees.

3 Did Suffolk Paving keep the time sheets for  
4 all its employees in 2009?

5 A No.

6 Q Did Suffolk Paving retain its time sheets  
7 during 2009 at all?

8 A "Retain" meaning hold onto them?

9 Q Keeping them?

10 A I would hope so.

11 Q Did you plea to a violation in June 2011?

12 A Did I plea to a violation?

13 Q Yes.

14 A Did I? Oh, yeah, yeah, for using vulgar  
15 language.

16 Q What was the violation for?

17 A Using vulgar language.

18 Q Using vulgar language?

19 A I believe that's what it was, right?

20 MR. ZABELL: I'm not --

21 A I don't recall what it was, but I believe  
22 that's what it was.

23 Q So your violation was for using vulgar  
24 language?

25 A Yes.

1 LOUIS VECCHIA

2 Q Where were you when you used the vulgar  
3 language?

4 A Thirty North Dunton Avenue. My place of  
5 business.

6 Q I didn't realize it was illegal to use  
7 vulgar language.

8 A I didn't, either. Pretty disturbed with  
9 myself.

10 Q Who told you it was for vulgar language?

11 A That's what -- that was what was said --

12 MR. ZABELL: Wait, wait. I'm going to  
13 object. Stop, stop. Stop one second.

14 I'm going to advise you that if the answer  
15 to that question requires you to reveal the  
16 content of a conversation between yourself and any  
17 of your attorneys, you are simply to state that  
18 you cannot answer that question. If you can  
19 answer that question without revealing the content  
20 of a conversation between yourself and an  
21 attorney, then you may answer it.

22 THE WITNESS: So what was the question  
23 again, I'm sorry?

24 MS. GOLDBERG: Can you read back the  
25 question?



1 LOUIS VECCHIA

2 (The pending question was read.)

3 A I'm not sure. I was in the courtroom, so I  
4 forget which side it was. I forget. It was a judge,  
5 it was a district attorney.

6 Q Did you have to say something to the judge?

7 A I believe I did, yeah.

8 Q What did you have to say to the judge?

9 (No response.)

10 MS. GOLDBERG: Withdrawn.

11 Q What did you say to the judge?

12 A I'm not sure, I forget now, the exact  
13 words. I can't be exact, so . . . if you want  
14 something exact, I can't give it to you. You could  
15 probably look it up, though.

16 MR. ZABELL: She has.

17 A You can look it up. I don't want to give  
18 the wrong answer, I don't remember exactly what I said.

19 Q Both Suffolk Asphalt and Suffolk Paving  
20 generated these time sheets on a weekly basis as part  
21 of its business; is that correct?

22 MR. ZABELL: What documents are you  
23 referring to?

24 MS. GOLDBERG: I'm referring to time  
25 sheets, weekly time sheets that we've been

1 LOUIS VECCHIA

2 discussing.

3 MR. ZABELL: Oh, because you said "these."

4 MS. GOLDBERG: Time sheets.

5 A For all its employees did you say?

6 Q Yes. For its employees.

7 A Yeah, for most of them.

8 Q And for the plaintiffs?

9 A Yes, for most of the plaintiffs.

10 Q Did you ever have any other current or  
11 former employees bring any wage complaints against you  
12 aside from the plaintiffs in this lawsuit?

13 A Yes, once before, I believe.

14 Q What was that complaint for?

15 A That was a prevailing wage complaint, I  
16 believe.

17 Q Who were the individuals that were making  
18 complaints?

19 A I forgot. I forget at the time, it's a  
20 while ago.

21 Q Did it go to court?

22 A No, I settled it.

23 Q You settled it.

24 MR. ZABELL: Okay. I am now advising you  
25 that it is 5:30. As we have started this

1 LOUIS VECCHIA

2 deposition two minutes early, we have allowed you  
3 to continue this deposition for three hours and 32  
4 minutes. This now concludes our obligation  
5 pursuant to Magistrate Judge Tomlinson's order to  
6 sit for three and one half hours for the  
7 deposition. The deposition is now concluded.

8 Mr. Vecchia, step up and walk into my  
9 office, please.

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11  
12 (Continued on page 417 to include jurat.)  
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1 LOUIS VECCHIA

2 MS. GOLDBERG: I only have one comment to  
3 say and that it appears that there have been  
4 various documents that have not been turned over  
5 and I would say that this deposition is left open  
6 to the extent that additional documents are  
7 recovered and we would have the right to depose  
8 him on those documents.

9 MR. ZABELL: To the extent that counsel is  
10 making up things, we disagree with her  
11 characterizations and her inability to review  
12 documents and prepare them in a timely manner for  
13 this deposition rests solely upon the shoulders  
14 that hold her head.

15 (Time noted: 5:30 p.m.)  
16

17 \_\_\_\_\_  
18 LOUIS VECCHIA

19 Subscribed and sworn to before me  
20 this \_\_\_\_ day of \_\_\_\_\_, 2012

21 \_\_\_\_\_  
22 NOTARY PUBLIC  
23  
24  
25

E X H I B I T S

PLAINTIFF'S EXHIBITS:

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	PAGE
60	Copy of PROPOSED THIRD AMENDED COMPLAINT AND JURY DEMAND dated October 24, 2001	298
61	Copy of letter dated June 18, 2008 to Mr. Jose Garrido Veliz from Louis Vecchia	303
62	Copy of SUFFOLK PAVING CORP. P A Y M E N T S C H E D U L E dated 10/06/2004, two pages	310
63	Copy of SUFFOLK ASPHALT Weekly Time Sheet CARLOS Bates stamped Def. Exh. A 000277 and pay stub Bates stamped Def. Exh. A 000278	338
64	Copy of SUFFOLK ASPHALT Weekly Time Sheet CARLOS Bates stamped Def. Exh. A 000275 and pay stub Bates stamped Def. Exh. A 000276	338
65	Copy of SUFFOLK ASPHALT Weekly Time Sheet CARLOS Bates stamped Def. Exh. A 000257 and pay stub Bates stamped Def. Exh. A 000258	338
66	Copy of Suffolk Asphalt Corp. Weekly Time Sheet VICTOR Bates stamped Def. Exh. A 000679 and pay stub Bates stamped Def. Exh. A 000680	339

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PLAINTIFF'S EXHIBITS: (CONTINUED)

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	PAGE
67	Copy of SUFFOLK ASPHALT Weekly Time Sheet VICTOR Bates stamped Def. Exh. A 000665 and pay stub Bates stamped Def. Exh. A 000666	339
68	Copy of SUFFOLK ASPHALT Weekly Time Sheet VICTOR Bates stamped Def. Exh. A 000663 and pay stub Bates stamped Def. A. 000664	339
69	Copy of SUFFOLK ASPHALT Weekly Time Sheet MARCOS Bates stamped Def. Exh. A 000584 and pay stub Bates stamped Def. Exh. A 000585	339
70	Copy of SUFFOLK ASPHALT Weekly Time Sheet MARCOS Bates stamped Def. Exh. A 000578 and pay stub Bates stamped Def. Exh. 000579	340
71	Copy of SUFFOLK ASPHALT Weekly Time Sheet MARCOS Bates stamped Def. Exh. A 000576 and pay stub Bates stamped Def. Exh. A 000577	340
72	Copy of SUFFOLK ASPHALT Weekly Time Sheet JUAN Bates stamped Def. A. 000735 and pay stub Bates stamped Def. Exh. A 000736	369

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73	Copy of SUFFOLK ASPHALT Weekly Time Sheet JUAN Bates stamped Def. Exh. A 000739 and pay stub Bates stamped Def. Exh. A 000740	369
74	Copy of SUFFOLK ASPHALT Weekly Time Sheet JUAN Bates stamped Def. Exh. A 000745 and pay stub Bates stamped Def. Exh. A 000746	369
75	Copy of SUFFOLK ASPHALT Weekly Time Sheet EDWIN Bates stamped Def. Exh. A 000857	369
76	Copy of SUFFOLK ASPHALT Weekly Time Sheet EDWIN Bates stamped Def. Exh. A 000859	369
77	Copy of SUFFOLK ASPHALT Weekly Time Sheet EDWIN Bates stamped Def. Exh. A 000873	370
78	Copy of SUFFOLK ASPHALT Weekly Time Sheet EDWIN Bates stamped Def. Exh. A 000875	370
79	Copy of SUFFOLK ASPHALT Weekly Time Sheet EDWIN Bates stamped Def. Exh. A 000881	370
80	Copy of Suffolk Asphalt Corp. Weekly Time Sheet EDWIN Bates stamped Def. Exh. A 000910 and pay stub Bates stamped Def. Exh. A 000911	370



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PLAINTIFF'S EXHIBITS: (CONTINUED)

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	PAGE
81	Copy of SUFFOLK ASPHALT Weekly Time Sheet EDWIN Bates stamped Def. Exh. A 000896 and pay stub Bates stamped Def. Exh. A 000897	371
82	Copy of SUFFOLK ASPHALT Weekly Time Sheet EDWIN Bates stamped Def. Exh. A 000894 and pay stub Bates stamped Def. Exh. A 000895	371
83	Copy of SUFFOLK ASPHALT Weekly Time Sheet RENATO Bates stamped Def. Exh. A 000796 and pay stub Bates stamped Def. Exh. A 000797	371
84	Copy of SUFFOLK PAVING Weekly Time Sheet KEVIN Bates stamped Def. Exh. A 000344 and pay stub Bates stamped Def. Exh. A 000345	371
85	Copy of SUFFOLK PAVING Weekly Time Sheet OSMAR Bates stamped Def. Exh. A 001027 and pay stub Bates stamped Def. Exh. A 001028	384
86	Copy of Suffolk Paving Corp. Weekly Time Sheet ALLEJANDRO Bates stamped Def. Exh. A 000071 and pay stub Bates stamped Def. Exh. A 000072	385

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87	Copy of SUFFOLK PAVING Weekly Time Sheet ALLEHANDRO Bates stamped Def. Exh. A 000050 and pay stub Bates stamped Def. Exh. A 000051	386
88	Copy of Suffolk Paving Corp. Weekly Time Sheet MARCOS Bates stamped Def. Exh. A 000592 and pay stub Bates stamped Def. Exh. A 000593	388
89	Copy of Suffolk Paving Weekly Time Sheet MARCOS Bates stamped Def. Exh. A 000580 and pay stub Bates stamped Def. Exh. A 000581	389
90	Copy of SP Weekly Time Sheet MARCOS Bates stamped Def. Exh. A 000564 and pay stub Bates stamped Def. Exh. A 000565	391
91	Copy of SUFFOLK PAVING Weekly Time Sheet KEVIN Bates stamped Def. Exh. A 000362 and pay stub Bates stamped Def. Exh. A 000363	392
92	Copy of CROSS ISLAND Weekly Time Sheet ALEX Bates stamped Def. Exh. A 000117	393

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EXHIBIT NUMBER	EXHIBIT DESCRIPTION	PAGE
93	Copy of CROSS ISLAND Weekly Time Sheet ALEX Bates stamped Def. Exh. A 000119	394
94	Copy of Suffolk Asphalt Corp. Weekly Time Sheet RENATO Bates stamped Def. Exh. A 000828 and pay stub Bates stamped Def. Exh. A 000829	395
95	Copy of Suffolk Asphalt Corp. Weekly Time Sheet RENATO Bates stamped Def. Exh. A 000821 and pay stub Bates stamped Def. Exh. A 000822	396
96	Copy of Suffolk Asphalt Corp. Weekly Time Sheet RENATO Bates stamped Def. Exh. A 000814 and pay stub Bates stamped Def. Exh. A 000815	397
97	Copy of Suffolk Asphalt Corp. Weekly Time Sheet RENATO Bates stamped Def. Exh. A 000812 and pay stub Bates stamped Def. Exh. A 000813	398
98	Copy of SUFFOLK ASPHALT Weekly Time Sheet RENATO Bates stamped Def. Exh. A 000806 and pay stub Bates stamped Def. Exh. A 000807	398

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99	Copy of SUFFOLK ASPHALT Weekly Time Sheet RENATO Bates stamped Def. Exh. A 000804 and pay stub Bates stamped Def. Exh. A 000805	400
100	Copy of SUFFOLK ASPHALT Weekly Time Sheet RENATO Bates stamped Def. Exh. A 000798 and pay stub Bates stamped Def. Exh. 000799	401
101	Copy of SUFFOLK ASPHALT Weekly Time Sheet RENATO Bates stamped Def. Exh. A 000794 and pay stub Bates stamped Def. Exh. A 000795	402
102	Copy of SUFFOLK ASPHALT Weekly Time Sheet RENATO Bates stamped Def. Exh. A 000788 and pay stub Bates stamped Def. Exh. A 000789	402
103	Copy of SUFFOLK ASPHALT Weekly Time Sheet RENATO Bates stamped Def. Exh. A 000786 and pay stub Bates stamped Def. Exh. A 000787	403
104	Copy of Suffolk Asphalt Corp. Weekly Time Sheet WALTER Bates stamped Def. Exh. A 000463	403

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PLAINTIFF'S EXHIBITS: (CONTINUED)

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	PAGE
105	Copy of SUFFOLK ASPHALT Weekly Time Sheet WALTER Bates stamped Def. Exh. A 000443 and pay stub Bates stamped Def. Exh. A 000444	404
106	Copy of SUFFOLK ASPHALT Weekly Time Sheet WALTER Bates stamped Def. Exh. A 000433 and pay stub Bates stamped Def. Exh. A 000434	404
107	Copy of SUFFOLK ASPHALT Weekly Time Sheet WALTER Bates stamped Def. Exh. A 000429	405
108	Copy of SUFFOLK ASPHALT Weekly Time Sheet WALTER Bates stamped Def. Exh. A 000427 and pay stub Bates stamped Def. Exh. A 000428	406
109	Copy of SUFFOLK ASPHALT Weekly Time Sheet WALTER Bates stamped Def. Exh. A 000425 and pay stub Bates stamped Def. Exh. A 000426	406
110	Copy of SUFFOLK ASPHALT Weekly Time Sheet WALTER Bates stamped Def. Exh. A 000407 and pay stub Bates stamped Def. Exh. A 000408	407

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PLAINTIFF'S EXHIBITS: (CONTINUED)

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	PAGE
111	Copy of SUFFOLK ASPHALT Weekly Time Sheet JOSE C Bates stamped Def. Exh. A 000218 and pay stub Bates stamped Def. Exh. A 000219	407
112	Copy of SUFFOLK ASPHALT Weekly Time Sheet JOSE C Bates stamped Def. Exh. A 000208	408
113	Copy of SUFFOLK ASPHALT Weekly Time Sheet CARLOS Bates stamped Def. Exh. A 000287 and pay stub Bates stamped Def. Exh. A 000288	408
114	Copy of SUFFOLK ASPHALT Weekly Time Sheet CARLOS Bates stamped Def. Exh. A 000279 and pay stub Bates stamped Def. Exh. A 000380	409

I N D E X

EXAMINATION BY  
MS. GOLDBERG

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C E R T I F I C A T E

STATE OF NEW YORK     )  
                                  :   SS.:  
COUNTY OF SUFFOLK     )

I, JOANN O'LOUGHLIN, a Notary Public for  
and within the State of New York, do hereby  
certify:

That the witness whose examination is  
hereinbefore set forth was previously sworn and  
that such examination is a true record of the  
testimony given by that witness.

I further certify that I am not related  
to any of the parties to this action by blood or  
by marriage and that I am in no way interested in  
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 9th day of January, 2012.

*Joann O'Loughlin*

\_\_\_\_\_  
JOANN O'LOUGHLIN

A				
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